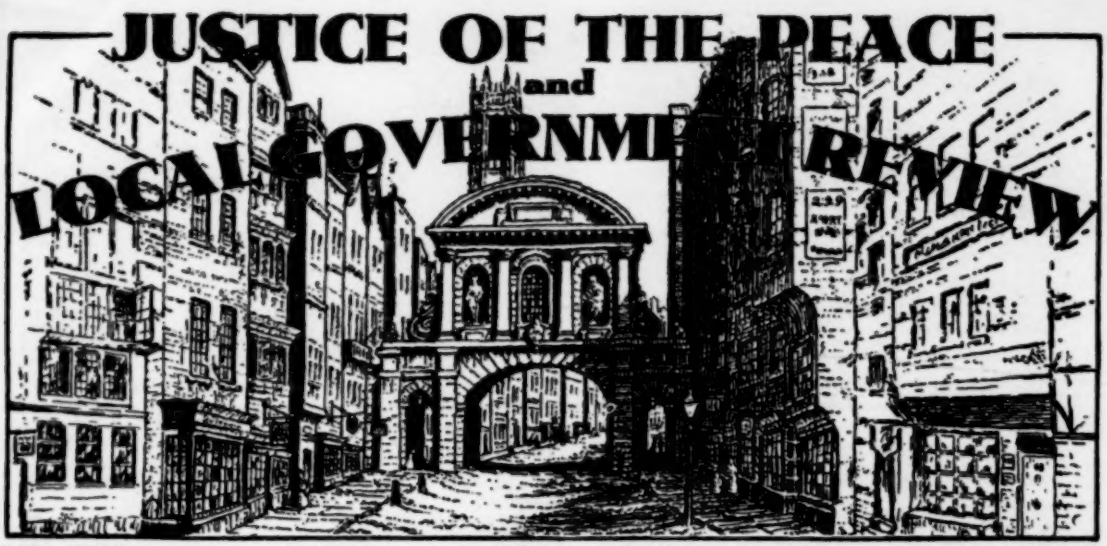

VOL. CXVI LONDON: SATURDAY, OCTOBER 11, 1952 No. 41

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REPORTS

Official & Classified Advertisements, etc.

Official Advertisements (Appointments, Tenders, etc.), 2s. per line and 3s. per displayed headline. Classified Advertisements, 24 words 6s. (each additional line 1s. 6d.) Box Number, 1s. extra *Latest time for receipt* 10 *a.m. Thursday*

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NOTIFICATION OF VACANCIES ORDER, 1952

The engagement of persons answering these advertisements must be made through a Local Office of the Ministry of Labour or a Scheduled Employment Agency if the applicant is a man aged 18-64 or a woman aged 18-59 inclusive unless he or she, or the employment, is excepted from the provisions of the Notification of Vacancies Order, 1952. *Note:* Barristers, Solicitors, Local Government Officers, who are engaged in a professional, administrative or executive capacity, Police Officers and Social Workers are excepted from the provisions of the Order.

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APPLICATIONS are invited from Solicitors with previous municipal experience for the appointment of Town Clerk.

The salary will be at the rate of £1,350 per annum rising by annual increments to a maximum of £1,550 per annum.

The post carries with it the office and duties of Clerk to the Llanelly Harbour Trust.

The successful candidate will be required to devote the whole of his time to the statutory and other duties of the post. A knowledge of Welsh is desirable.

The appointment will be in accordance with the recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks as to salary and conditions of service and will also be subject to the provisions of the Local Government Superannuation Acts, and to termination by three months notice on either side. The successful candidate will be required to pass a medical examination.

Applications, endorsed "Town Clerkship," giving full particulars of age, qualifications and experience, with the names and addresses of two referees, must be received by the undersigned by October 25, 1952.

S. SAMUEL,
Acting Town Clerk.

Town Hall,
Llanelly,
October 7, 1952.

COUNTY BOROUGH OF HALIFAX

Assistant Clerk to the Justices

APPLICATIONS are invited for the above whole-time appointment at a salary of £525/570 (Grade A.P.T. III). Applicants should have had extensive experience of the duties of an assistant to a justices' clerk, including the taking of depositions, the issue of process and keeping of accounts. The appointment is superannuable and the successful applicant will be required to pass a medical examination.

Applications, stating age, qualifications and magisterial experience, together with copies of not more than three recent testimonials, should be sent to the undersigned not later than October 20, 1952.

J. A. SUTCLIFFE,
Clerk to the Justices.

Magistrates' Clerk's Office,
Harrison Road,
Halifax.

Justice of the Peace
and
Local Government Review

[ESTABLISHED 1837.]

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NOTES of the WEEK

Appeal Against Acquittal

An appeal to quarter sessions against acquittal is a rarity. Readers may remember that one such appeal was the subject of the case of *R.* v. *London County Keepers of the Peace and JJ.* [1945] 2 All E.R. 298 ; 110 J.P. 58. The right of appeal in this case was based on s. 82 of the Excise Management Act, 1827, which relates to cases concerned with excise duties. According to *Paley on Summary Convictions*, 9th edn., this provision was incorporated in subsequent Excise Acts. We confess that we have not sought to trace these, nor have we found any provision applying this same right of appeal to Customs cases until we come to the Customs and Excise Act, 1952, s. 283 (4). This is an Act to consolidate with amendments certain enactments relating to customs and excise, etc. The whole of the 1827 Act, except s. 8, is repealed, but the provision of s. 82 to which we have referred reappears in wider form in s. 283 (4) of the new Act as follows : " (4) Without prejudice to any right to require the statement of a case for the opinion of the High Court, the prosecutor may appeal to a court of quarter sessions against any decision of a court of summary jurisdiction in proceedings for an offence under the customs or excise Acts."

These Acts are defined as meaning those provisions of the 1952 Act and any other enactment for the time being in force relating to customs or, as the case may be, excise.

The Customs and Excise Act, 1952, comes into operation on January 1, 1953.

Probation in Cardiff

The report of the probation committee for the City of Cardiff for the year 1951 shows an unwelcome increase in the number of indictable offences by children and young persons appearing in the juvenile court, the figures being 322 in 1950, and 390 in 1951. It is pointed out that the number of girls committing offences is extremely small compared with the number of girls in Cardiff in the age group eight to sixteen. "The figures show that the overwhelming majority of girls in Cardiff are well-brought up, well-cared for, well-behaved young citizens, and no doubt the credit belongs to their parents, their teachers, the hundreds of social workers among young people in Cardiff—and to the girls themselves." There were more than ten times as many boys charged with indictable offences. The examination of the figures district by district shows that the incidence is heaviest where there is little or no playing space. Offences of trespassing on railways occur mainly where the children have no park near their homes. The number of juveniles placed on probation shows a slight increase as compared with 1950. The report states that of the 136 children absolutely discharged and conditionally discharged, it should be explained that more than one-third were ordered to pay costs, compensation or damages.

Turning to adult offenders, the probation committee reports an increase in the number of persons placed on probation by the magistrates' courts and quarter sessions, but a decrease at assizes.

As to results of probation, the report shows that eighty-six *per cent.* of the male adults completed the period of probation satisfactorily, nearly ninety-four *per cent.* of female adults, ninety-two *per cent.* of the juvenile girls and only sixty-five *per cent.* of the juvenile boys.

Acknowledgment is again made of the help given by the voluntary workers' committee which has just completed its twenty-fifth year of service. A combined meeting was held of the voluntary workers' committee, the juvenile court panel of magistrates, and the probation committee, which afforded a valuable opportunity for exchange of ideas.

Should Chief Constables Nominate Prosecuting Counsel ?

Bar Circuits have recently been considering whether counsel for the prosecution should be nominated by a firm of solicitors instructed by a local authority or by the local authority themselves. The consensus of opinion finds no objection to either a firm of solicitors or the clerk of the peace nominating counsel but on the basis " that he who pays the piper calls the tune " thought that the local authority would claim the right to nominate, as they often do in practice. Much more dislike was manifested to the practice of chief constables nominating counsel. It was felt that in some cases chief constables were over-zealous in pressing a case and instances were cited of prosecutions where both the judge and counsel for the prosecution were prepared to accept a plea of guilty of a lesser offence but chief constables declined. In such a case, of course, counsel is entitled to the final decision with the consent of the judge but it is very difficult for him to oppose the view of the chief constable if the latter is the officially constituted fountain of all briefs for the prosecution. It seems better that the chief constable should not exercise the function of nomination.

Cross-Charges of Desertion

Jones v. *Jones* (1952) W.N. 375 was a decision of the Court of Appeal on a question of desertion, in which the facts were unusual.

The history of the case began with proceedings instituted by the wife before a magistrates' court in which the justices found she had made out her case for an order on the ground of desertion. The justices did not make a separation order, but at

the conclusion of the case one of them told the husband that he must leave the matrimonial home in seven days. The parties were at that time living under the same roof, the wife being the owner of the home. The husband left although he did not wish to do so.

Subsequently, cross-petitions on the ground of desertion were brought by both parties, and these were dismissed by the learned Commissioner. The husband appealed.

In delivering the judgment of the court, Hodson, L.J., said the justices were not acting nor were they purporting to act, judicially, in making the observation at the end of the case. The inference to be drawn from all the circumstances was that the direction to the husband to leave the home was given at the direct instigation of the wife, so that the expelling of the husband was brought about by the wife acting through the means of the justices. Throughout, the wife was working to obtain the very object which she achieved by obtaining the assistance of the justices on her behalf. The intervention of the justices was not an independent cause of the husband's leaving. The husband having been turned out of the house against his will, a *prima facie* case of desertion by the wife was established. The appeal would be allowed and a *decree nisi* pronounced in favour of the husband.

Army Character

Mr. Justice Stable, at Merioneth Assizes, made observations about the kind of evidence given in respect of soldiers which many magistrates must often have felt inclined to make, and which it is to be hoped will have the desired effect. The learned judge was dealing with a serving soldier found guilty of stealing, and the officer who attended the court said he had no personal knowledge of the defendant, but was told by his commanding officer to say that the man, who had not long been with the unit, did not show himself to be a good soldier.

A court considering the question of sentence wants to know as much as possible about the character and antecedents of the defendant, and his character in Army terms may prove of little assistance. As Mr. Justice Stable said, there must be someone who does know a soldier personally, and that is the kind of officer from whom the court would like to hear. A man may be a poor soldier and still be a decent enough fellow, or he may be an efficient soldier without necessarily being a man of good character.

As the judge said he would take up the matter with the General Officer Commanding the district, it is sure to receive attention and may result in an improvement in the present system of detailing officers to attend courts.

Parliament Reassembles

Parliament will reassemble on Tuesday, October 14, refreshed after its long recess. The Prime Minister said in a recent speech that he had rarely (if ever) seen it so jaded as after the last session. It was not surprising; late night or marathon sittings had been more frequent and of longer duration than ever for the previous Parliament and had placed a tremendous strain on the supporters of the Government and upon the more indefatigable members of the Opposition.

The first fortnight of the coming session will be spent in tidying up loose threads left over from the last including the Licensed Premises in New Towns Bill which repeals Part I of the Licensing Act, 1949, relating to State management in new towns. Licensed premises in new towns are to be distributed by committees the composition of which will be half appointed by the Development Corporation and the rest by the Licensing Justices for the Licensing District concerned. After dealing with the residue of last Sessions business the Queen will formally open Parliament and a debate will follow on the Queen's speech.

The two main Bills, the Second Reading of which it is hoped to get by December, are, of course, the Steel Bill and the Transport Bill. The Transport Bill has been presented to Parliament. It provides, *inter alia*, for the relaxation of licensing restrictions and for the repeal of the power to take over local bus and tramway undertakings. The passage of the two Bills is bound to be marked by fierce contention and very likely the guillotine procedure will be used. Legislation on various important local government topics is expected in the New Year. The Government will produce legislation to alter the provision in the Local Government Act, 1948, relating to the basis of re-valuation of dwelling houses and an investigation is also taking place into the operation of Exchequer Grants.

Early legislation may also be expected amending the financial provision of the Town and Country Planning Act which are considered to have impeded housing and other good development.

Another considerable amending Act which may be expected next year will deal with the Rent Restrictions Acts. The Government have long taken the view that the tenant must be protected so long as there is a shortage of the particular type of house in which he lives—but under the present law hardship is caused to both landlord and tenant alike by allowing house-property to develop into slums. So the Rent Restrictions Amendment Bill will be launched with the cry "Save the Nation's properties."

It looks like being an eventful session.

Magistrates' Association: Annual Report

A remarkable fact about the Magistrates' Association, whose thirty-second annual report is published, is that the annual subscription remains at the original figure of £1, which seems a modest sum today for the services which the Association provides. Membership now includes more than half of the magistrates throughout the country, so that it can truly claim to represent the whole body of magistrates.

The report includes the several reports of the Committees of the Council, which show in some detail the various matters that have been considered, the recommendations made and any action taken by the Council. The Association obviously continues to do valuable work in a wide field, and it is to be hoped that its membership will increase still further.

Magistrates' Association: Annual General Meeting

The thirty-third annual general meeting of the Association will be held on October 16 and 17.

On the afternoon of October 16, the retiring chairman, Viscount Templewood, will preside at a meeting in The New Hall, Lincoln's Inn, at which Miss Margery Fry, vice-president of the Association, will speak on "Whither Justice."

On October 17, the proceedings, which will be held at Guildhall, will open with a welcome by the Lord Mayor of London. The annual report and balance sheet, and the election of officers, will then be dealt with. Then follow discussions on several resolutions contained in the agenda. After an interval for lunch, there will be a presidential address by the Lord Chancellor, Lord Simonds. The rest of the proceedings will be devoted to the discussion of further resolutions.

These meetings are always well attended and we anticipate there will be no falling off this year. The terms of the various resolutions seem to indicate that there will be plenty of material for discussion, and without doubt members of such an Association are glad to have a substantial time at their disposal for a free exchange of opinions on such an occasion.

The Public and the Weights and Measures Service

Ratepayers constantly, and not unnaturally, grumble at having to pay high rates. Not infrequently they ask what they get in return, but they do not often take steps to find out what work the local authorities are doing for their benefit. It would be a good thing if members of the public took advantage of all the opportunities that occur for looking into the nature of the public services and how they are conducted.

In the annual report of the City of Plymouth Weights and Measures Department, Mr. H. L. Stevenson, the Chief Inspector, writes :

" At the request of the Principal of the Technical College, lectures were given on two occasions to students taking a course of instruction sponsored by the Licensed Victuallers' Association.

The practice of previous years was continued during the past winter when, on a number of evenings, arrangements were made to show through the department members of various organizations and societies, and opportunity was taken to give an outline of the administration of the Weights and Measures Acts, and to explain the public protection character of our services.

Head teachers of high schools and secondary modern schools continued to send groups of senior pupils to the Department to gain some knowledge of the Weights and Measures system in use in this country, and the work of the local authority in this regard."

We hope that other authorities are taking the same line, for it is most desirable that those who are or will become local government electors should acquire knowledge of the work and become interested in it.

East Anglian Finances

Mr. T. Clay, the Norfolk County Treasurer, has published an informative booklet summarizing the financial transactions of the county council for the year ended March 31 last. The inclusion of summary revenue accounts is unusual in county financial booklets, but is a practice which might well be copied by other authorities, possibly as an alternative to the circulation of bulky " Abstracts of Accounts."

Expenditure for the year totalled £5,713,000 of which nearly half went on education. Norfolk is one of the largest counties with an area of 1,303,000 acres and 4,800 miles of roads to maintain, roads expenditure being correspondingly heavy at £1,208,000.

Because of its low rateable value of £3 17*s.* 6*d.* per head of population the county receives a large Equalization Grant, in addition to the usual grants on each service. No less than seventy-four *per cent.* of its expenditure is met by subventions from the National Exchequer and only seventeen *per cent.* from rates, which stood at 14*s.* 9*d.* in the year under review. Local government in such circumstances must pipe very much the paymaster's tune : it is interesting to consider how greatly the independence of this pleasant corn growing county would be strengthened if it were enabled to call on its staple industry of agriculture for a contribution to the services it provides.

Capital expenditure during the year amounted to £759,000 of which £422,000 was on education account. Loan debt at March 31 totalled £2,745,000, equivalent to £7 7*s.* 2*d.* per head of population.

A useful table is given analysing by occupation the 7,900 employees of the county council, and it is illuminating to discover how widespread is the settlement of wages and salaries by national or regional negotiation. Only 830 persons out of the 7,900 are paid at rates fixed by the county council itself.

Economy and Co-ordination of Fuel and Power

How much will happen out of a lot that could as a result of the numerous recommendations contained in the report (Cmd. 8647) of the committee on national policy for the use of fuel and power resources must be extremely doubtful. All the recommendations, numbering forty in summary form and many more in detail, are contentious within and between the coal, electricity, gas and oil industries mainly concerned, and a variety of other interests which might be affected in various ways. Presumably, the whole process of investigating and advising " on possible measures to promote the best use of the country's fuel and power resources " is intended to supplement constant efforts to meet the needs of the millions of consumers in so far as these can be dovetailed with other considerations arising in the far wider fields of national and international economic policy. Doubtless, the report will help in those efforts, if only by ensuring that negative inaction derives from properly gestated rejection of otherwise unsuspected positive possibilities, but questions are so enwrapped with complexities that an overwhelming majority of consumers will be thankful to lean heavily on a supposition, justified or not, that all things work together for good.

Inability to find a satisfactory answer to a question raised from a backward glance will cloud conjecture on the ultimate outcome of the report. If, it may be argued, a committee was necessary to discover matters with which the Minister of Fuel and Power and other powerful bodies were directed to deal, the prospect of material progress subsequent to the report seems poor. Looking backward, the necessity to ask a committee to investigate can hardly be seen. For instance, the Minister has had power under the Electricity Act, 1947, s. 5, to give such directions of a general character to the British Electricity Authority as appear to him to be requisite in the national interest, and the authority should have been guided in the Minister's anterior consultation by its duty, under s. 1, to develop and maintain an efficient, co-ordinated and economical system of electricity supply ; similar power in relation to area gas boards and the Gas Council was conferred on the Minister by the Gas Act, 1948, s. 7, and those boards and the Gas Council had a similar duty imposed upon them. Looking forward, the prospect of progress is better seeing that a path has been mapped, even if negotiation of parts may be tricky and some helping hands declined.

A helping hand which occurred to the committee in connexion with the supply of information to domestic consumers on the relative costs and performances of the different fuels and fuel appliances was that of local authorities. After considering an alternative of amalgamating local showrooms of fuel undertakings, which seemed to have the main weakness of not providing an impartial source of information, the committee came to the conclusion that the Ministry of Fuel and Power should establish a source of information in each large town. Experience would be required to show how best to develop the service, but, as the committee saw it, this service would be centred in the town hall and provided with literature based on data compiled by the Ministry in consultation with research stations and other official or semi-official bodies. This certainly appears to be one way in which local authorities could do something towards refurbishing their function of being a focal point in the life of the community.

Local authorities will also find other items of specific interest in various parts of the report. In para. 150, the committee

include, as incentives to domestic fuel efficiency, Government action to persuade local authorities to use their borrowing powers to instal improved fuel appliances in their existing houses; attachment to subsidies for new houses of conditions requiring provision of a prescribed standard of insulation and installation of fuel appliances of new standards; and issue of building licences for new houses subject to a condition as regards prescribed standards, which might be incorporated in bye-laws. In para. 194, local authorities, hospital boards and other public bodies are commanded to set an example in promoting fuel efficiency in their own fuel-using equipment by various means, and, the report says in a phrase redolent of fatherly advice, they should be stimulated to do so by the Government departments in whose field of responsibility they lie. Area consultative councils, which partly comprise members nominated by associations of local authorities, receive notice here and there; in para. 264, for instance, they are not regarded as suitable instruments for promoting co-ordination in the use of different kinds of fuel and power. That is one of the wider national interests on which the Minister of Fuel and Power would be advised by a new tariffs advisory committee and a joint fuel and power planning board. Very little of the lot which is recommended in the recent report could not have been achieved under existing legislation, which adds one more illustration to the inordinate list of fairy-lands quickly pictured by statute but taking much longer to reach.

DISQUALIFYING THE AIDER AND ABETTOR

[CONTRIBUTED]

If a person is convicted and punished for aiding and abetting a contravention of s. 15 of the Road Traffic Act, 1930, is he liable to disqualification for holding or obtaining a driving licence as in the case of the principal?

This is a question on which judicial opinions appear to differ. At 116 J.P.N. 314 there appears a report of a case heard at the Huddersfield Magistrates' Court when a licensee of a local hotel was convicted and fined £10 for aiding and abetting a person in charge of a motor-car when under the influence of drink. His counsel submitted that the punishment for an offence under s. 15 of the Road Traffic Act, 1930, was contained in subs. 1 of that section and that the duty to order a period of disqualification was to be found in a separate subsection and had no application to a person convicted of aiding and abetting. The court accepted this submission and the aider and abettor was not disqualified.

We now have before us a newspaper report of a similar case which was recently heard at the Southport Magistrates' Court when two company directors, one charged with driving a motor-car while under the influence of drink, and the other with aiding and abetting that offence, were each sentenced to one month's imprisonment and disqualified for holding or obtaining a driving licence for a period of two years. The defendant convicted of aiding and abetting appealed against his sentence and a fine of £50 was substituted for the term of imprisonment, but the disqualification, which was considered right in law, was ordered to stand.

We appreciate that the matter is equivocal and admits of strong arguments for and against disqualification, and the purpose of our article is to expound both sides in a general way, for let it be said we do not profess to know the answer.

First, we would draw attention to s. 11 (4) of the Road Traffic Act, 1930, wherein it is provided that where a person is convicted of aiding, abetting, counselling or procuring, or inciting the commission of an offence under this section and it is proved that he was present in the vehicle at the time of the commission of the offence, the offence of which he is convicted shall, for the purpose of the provisions of Part I of the Act relating to the disqualification for holding or obtaining driving licences, be deemed to be an offence in connexion with the driving of a motor vehicle. The absence of such a provision in s. 15 of the same Act is often submitted (and this was done in the Huddersfield case) as a strong pointer against the competency of a court to disqualify, for would it not have been only too expedient and convenient for the legislator to have appended a similar subsection to s. 15 had it been the intention that an aider and abettor of an offence under that section should be amenable to the disqualification provisions?

There is no denying the potency of this reasoning but we detect a possible weakness at its very foundation. It has been built, as it were, on a negative base, *i.e.*, it has been assumed in the first place that the words "forfeiture" and "punishment" in s. 5 of the Summary Jurisdiction Act, 1848, do not include a disqualification and that it requires a positive mandate, such as is contained in s. 11 (4), to bring an aider and abettor within any disqualification provisions. In other words, an aider and abettor cannot be disqualified unless the section creating the offence so provides.

But to take the opposite view and thus reason from a positive base, let us assume that for the purpose of s. 5 of the Summary Jurisdiction Act, 1848, a disqualification is either a "forfeiture" or a "punishment." Then we submit the meaning of s. 11 (4) is transformed due to its becoming a curtailment and not an appendage, and the position becomes something like this: An aider and abettor of any of the various sections of the Road Traffic Act, 1930, is subjected to all the rigours of punishment (including disqualification) of a principal, except in the case of s. 11, when by subs. 4 of that section he escapes the possibility of disqualification *unless* he is at the material time present in the vehicle.

If this is the correct interpretation then it is possible to concede the point that s. 15 should have had the equivalent of s. 11 (4) and the position is not materially affected except insofar as the period of disqualification that might legally be imposed. Section 15 of the 1930 Act imposes only a disqualification for a period of twelve months, therefore, in the Southport case, the magistrates in disqualifying for a period of two years must have disqualified not under s. 15 but under s. 6 (1) of the Act which says: "Any court before which a person is convicted of a criminal offence in connexion with the *driving* (not being an offence under Part IV of this Act)—(*a*) may in any case, except where otherwise expressly provided by this Part of this Act, and shall where so required by this Part of this Act, order him to be disqualified for holding or obtaining a licence for such period as the court thinks fit." But as a practical issue can a passive aider and abettor who takes no part whatsoever in the driving of a vehicle be said to have been convicted (assuming he is convicted) of a criminal offence in connexion with the *driving* of a motor vehicle? To remove ambiguity s. 11 (4) says he can for the purpose of that section provided at the material time he was present in the vehicle, but having regard to the fact that s. 15 contains no such provision we doubt very much whether an aider and abettor who is not driving in any sense of the word (we have in mind the circumstances of the Huddersfield case) can be disqualified for a longer period than twelve months. In other words,

it would appear that a court might not be competent to disqualify under s. 6 in the given circumstances because s. 15 has no equivalent to s. 11 (4).

Our next point is whether a disqualification is a forfeiture or a punishment as mentioned in s. 5 of the Summary Jurisdiction Act, 1848, which reads: That every person who shall aid, abet, counsel, or procure the commission of any offence which is or hereafter shall be punishable on summary conviction shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable on conviction to the same forfeiture and punishment as such principal offender is or shall be by law liable.

In the Southport case, it was submitted before the Appeals Committee that a disqualification was not a punishment or a forfeiture but was introduced to protect the public—there being no motor-cars when the Summary Jurisdiction Act was passed. So far as the punishment limb is concerned there was common ground, for the prosecution conceded the point that a disqualification was not of itself a punishment but submitted that it was a forfeiture and a consequence of an offence. In this connexion it may be of interest to note that the Scottish case of *Craig* v. *Adair* decided that in the following circumstances a disqualification was not a "penalty." The Summary Jurisdiction (Scotland) Act, 1908, directs that a complaint by which proceedings are instituted must inform the accused of the penalties in which he will be involved as a result of a plea of guilty. Sufficient notice is given if the complaint ends with a reference to the section imposing the penalties (*e.g.*, "Whereby you are liable to the penalties set forth in s. 20 of the said Act") but most prosecutors think it fairer to set out the penalties in full: "Whereby, in terms of s. 20 of the said Act, you are liable to a penalty not exceeding £5 and, in default of payment, to imprisonment in terms of s. 48 of the Summary Jurisdiction (Scotland) Act, 1908." The question raised and decided in this case was whether the possibility of disqualification from driving a motor vehicle was a "penalty" which required to be included or referred to in the complaint. The High Court held that disqualification was not to be regarded as a penalty and refused to suspend a disqualification imposed on the accused who had been found guilty of careless driving, although no mention of the possibility of disqualification appeared in the complaint.

As to whether a disqualification is a forfeiture we can proffer nothing tangible beyond the accepted dictionary definition "to be deprived through breach of condition, or to lose in consequence of an act." If this is acceptable and our other deductions are correct, then we incline to the view that an aider and abettor of an offence under s. 15 of the Road Traffic Act, 1930, might be disqualified for holding or obtaining a driving licence, but only in exceptional cases, where he is taking a hand in the driving, can he lawfully be disqualified for a period exceeding twelve months.

"JEB."

PROBATION REQUIREMENTS

[CONTRIBUTED]

Now the Magistrates' Courts Act, 1952, has received Royal Assent it is intended to consolidate the main body of the Summary Jurisdiction Rules and Indictable Offences Rules by new rules to be known as the Magistrates' Courts Rules, 1952, and it is to be hoped that, in settling the forms to be included in sch. 1 to the draft Rules (Cmd. 8559), the question as to precisely what requirements it is best to insert in future probation orders will be reviewed in the light of the recent statement made by the Lord Chief Justice (p. 145, *ante*) which, however valuable criticism may be, seems somewhat lacking in practical guidance on this aspect. Some cogent observations were made upon the Lord Chief Justice's statement in Notes of the Week (*ante*, p. 193) but the subject seems of such importance as to warrant more detailed consideration than could there be given.

Some regard should be had initially to the structure of the probation provisions embodied in the Criminal Justice Act, 1948. It is an essential requirement of every probation order that the probationer will be required to be under the supervision of a probation officer during the probation period (s. 3 (1)) and (subject to the special provisions of the Act as to conditions for residence and mental treatment) the probationer may in addition be required to comply with such requirements as the Court, having regard to the circumstances, considers necessary for securing the good conduct of the offender or for preventing a repetition by him of the same offence or the commission of other offences (s. 3 (3)). The Act envisages two entirely distinct types of circumstances in which a probationer will be liable to be sentenced for his original offence, namely:

(1) Where he is convicted and dealt with in respect of a further offence committed during his probation period. In such a case he becomes liable to be dealt with for his original offence under the procedure of s. 8 of the 1948 Act quite irrespective of the requirements contained in his probation order.

(2) Where he fails to comply with a requirement of his probation order; in which case he is liable to be fined without prejudice to the continuance of the order or alternatively to be dealt with for his original offence under the somewhat different procedure of s. 6 of the 1948 Act. A probationer convicted of an offence during his probation period cannot however on that account be dealt with under s. 6 for failing to comply with a requirement of his probation order (s. 6 (6)) but must be dealt with under s. 8.

It may be suggested, therefore, that the requirements imposed by the probation order itself should be directed to actions not amounting to a criminal offence. Whilst these requirements will largely be dictated by the particular circumstances of the individual case, experience of the practical working of the probation system leads inevitably to the conclusion that there should be in every probation order some form of requirement both as to future conduct and also in regard to visits and reports to the probation officer. The Report of the Departmental Committee on Social Services in Courts of Summary Jurisdiction (1936: Cmd. 5122) emphasized that when a probationer shows no desire whatever to respond to the opportunity given to him for reformation he ought, after due warning, to be brought before the court to be dealt with for his original offence (p. 55) and the Departmental Committee regarded it as most important for the probation order clearly to provide that liability for punishment for the original offence should not depend merely on the commission of a new offence, but on evidence of substantial failure on the part of the probationer to implement his undertaking (p. 56). Moreover, it is the essence of probation that the probationer has an active part to

play as well as the probation officer in securing the success of the probation period and there is much to be said for making it clear in the probation order that the probationer's role is by no means a passive one.

The Lord Chief Justice in his recent statement advocated the use of a requirement to " be of good behaviour and keep the peace," but it seems rather strange, after forty-five years accumulated experience of probation upon a statutory basis, to revert to what is in substance the requirement embodied in the Probation of First Offenders Act, 1887 (which Act made no provision for supervision), and a form of requirement which was in part abandoned when supervision was first introduced in statutory form by the Probation of Offenders Act, 1907. The inadequacy of a condition in probation orders to " be of good behaviour " was commented upon by the Departmental Committee of 1936 (Report pp. 55-6) on the ground that it may well in practice mean little or no more than " refrain from committing a further offence " and *dicta* in *R.* v. *Smith* (1925) 89 J.P. 79 may tend to support this. The Departmental Committee's criticism appears even more cogent in relation to a requirement to " keep the peace " and, indeed, it is not easy to envisage circumstances of any practical importance in which a probationer might fail to " be of good behaviour and keep the peace " without also committing a criminal offence.

On the other hand, the expression " lead an honest and industrious life," which the Lord Chief Justice criticized, was not too vague for the legislature to embody in the Probation of Offenders Act, 1907, and though ever since included in the prescribed probation forms it seems to have escaped criticism up to now. In fact, a condition in this form came before the Court of Criminal Appeal in *R.* v. *Butler* (1926) 19 Cr. App. R. 127, and the conviction was there quashed because there was no satisfactory evidence of a breach of the requirement and not on the ground the requirement itself was in any way improper. Indeed, the Lord Chief Justice's present criticism seems really directed to " honest " rather than " industrious " which latter word is the important one in practice, for (as was pointed out at p. 193, *ante*) failure to work regularly is not in itself a criminal offence but is apt to be a besetting danger of probationers. Moreover it seems at least questionable whether a requirement " to lead an honest life " is really open to objection. It is difficult to attack such a requirement on the ground of vagueness when the expression " leading persistently a dishonest or criminal life " was regarded by the legislature as sufficiently specific to embody in the Prevention of Crime Act, 1908. No doubt it is a wide expression, but a probationer would necessarily be given particulars of the specific conduct alleged to constitute a breach of the requirement and the court would be able to judge, first, whether the conduct alleged could properly be regarded as a breach thereof and, secondly, whether that conduct was substantiated by evidence. Just as in *R.* v. *Heard* (1911) 76 J.P. 232 it was held that evidence of association with criminals and the possession of funds too great to be due to the prisoner's own earnings or the charity of others might be evidence that he was persistently leading a dishonest or criminal life, similarly such evidence would afford an example of circumstances in which a probationer might fairly be dealt with for failing " to lead an honest life " though there was no evidence of any specific further offence committed by him.

After all, probationers asked in court whether they understand the requirement " to lead an honest and industrious life " do not in practice appear to experience difficulty in comprehending it.

Whilst the real basis of probation supervision does not depend on the imposition of arbitrary restrictions but in the promise of the probationer, with the help of the probation officer, to make a determined effort to reform, it would nevertheless be calculated to bring the whole probation system into disrepute if a probationer, though not committing a further offence, were able to persist with impunity in a course of conduct such as to render further supervision futile.

It is of some value to consider how the question has been approached in other countries. The United Nations' publication " Probation and Related Measures " (which incidentally can be commended as an excellent historical and comparative survey of probation both here and abroad) usefully details various probation conditions adopted in practice. For instance, in the United States (p. 320) a probationer may be required (*inter alia*) to acquire and develop sound personal and social habits ; to associate with persons of reputable character ; to work regularly at suitable employment (if of working age) and support his dependants ; or to attend school if of compulsory school age. In Sweden (p. 364) a probationer is required to lead an orderly and law-abiding life, avoid bad company, endeavour to support himself lawfully and may (*inter alia*) also be required to comply with special requirements with respect to his education, employment, place of residence, domicile or the use of his leisure time.

There is of course no undue difficulty in making the requirements precise and detailed when they are imposed but it is obviously desirable to keep them as short and simple as possible so they will be understandable by the probationer and, in the case of an offender over fourteen years of age, there are manifest dangers of requirements becoming inappropriate to changed circumstances if made too specific in the first instance, since they cannot be varied without the probationer's consent (Criminal Justice Act, 1948, sch. 1, para. 5). Bearing this in mind the following conditions are suggested :

1. *That he/she shall be of good conduct and lead an honest and industrious life ;*
2. *That he/she shall keep in touch with the probation officer in accordance with such instructions as may from time to time be given by the probation officer ; and in particular that he/she shall, if the probation officer so requires, receive visits from the probation officer at his/her home ;*
3. *That he/she shall at all times answer truly all questions put to him/her by the probation officer with regard to his/her conduct, employment or residence ; and*
4. *That he/she shall notify forthwith to the probation officer any change of his/her residence or employment.*

Though there may be danger in the automatic use of stereotyped conditions, the adoption of common form requirements throughout the country as regards future conduct and supervision by the probation officer has many obvious advantages and, where the circumstances of a particular case render it appropriate, further conditions can be included as to the probationer's associates, employment, residence, mental treatment, or otherwise. It should always be borne in mind however (as is emphasized in para. 78 of the 1936 Departmental Committee's Report) that extravagant conditions are to be avoided and the requirements should be kept as few and simple as possible.

Possibly this is an instance where the Scots law is both simpler and more satisfactory, for the Criminal Justice (Scotland) Act, 1949 (s. 2 (2) and sch. 1) itself imposes, and thus presumably validates beyond question, the very general and comprehensive requirement to " conform to the directions of the probation officer as to conduct."

G.N.

INCLUSIVE SALARIES AND OUTSIDE FEES

We are indebted to the secretary of the National Association of Local Government Officers for sending us a transcript of an audit decision in the Divisional Court, which is of wide general interest, although the Lord Chief Justice was careful to say that the decision arose from the facts of the particular case. In *Carr and Others* v. *District Auditor for No. 1 Audit District* members of the rural district council of Alston-with-Garrigill sought to quash a surcharge of £115 made upon them by the district auditor. The issue turned upon the receipt by the clerk of the council of certain emoluments for work done in other capacities than that of clerk, in addition to his salary as clerk, when that salary purported to be inclusive, and to be fixed upon the basis that outside emoluments would be paid into the council's funds. Mr. Robson had been appointed clerk in 1942, upon conditions shown in correspondence, whereby the council agreed that while "the appointment is whole-time the council will not unreasonably withhold permission to accept other small appointments." We pause to remind our readers that from time to time we have been asked to define "whole-time" in this context, and have replied (in effect) that strict definition is impossible or (to put the thing another way) that "whole-time" is a misleading phrase. Nobody supposes that a whole-time local government officer is confined to the council's premises throughout his waking hours; even in the absence of express stipulation about office hours, he is entitled to spare-time, and if he is so fortunate as to earn money in his spare-time, he may keep it. An elementary illustration is a cross-word prize or money from the pools. It may be said that these earnings are not "fees" but we have in the past instanced such a side line as singing at concerts, or acting as part-time organist and choir master at a church or chapel. Though fees or a regular stipend might be paid, no ordinary person would suppose such money to be caught by the provision, now common form in contracts of service, that all fees are to be paid into the council's funds. In the Alston-with-Garrigill case, however, the fees in question did not come from activities wholly apart from office life, like those just mentioned. As the Lord Chief Justice said, the whole matter arose because Mr. Robson had accepted, and been allowed to accept and been allowed to carry out, certain duties, amongst others that of superintendent-registrar and fuel overseer. In addition he had received fees which are paid by persons who seek to search the land charges register, and he had also received a fee, which it was not disputed he was entitled to retain, for the registration of electors. Whether these duties or any of them were "small appointments" within the meaning of the contract, or whether the true position was that the contract had been varied by mutual agreement, need not be considered, because in 1949 the council adopted a recommendation of the Joint Negotiating Committee for town clerks and district council clerks, which was the outcome of meetings between representatives of local authorities and representatives of local government officers. This recommendation was for a scale of salaries dependent upon the population of the district, and the council proceeded to adjust Mr. Robson's salary accordingly. He had his salary increased from £610 to £700 for the half year September 30, 1950, and thereafter to a sum of £750. So far as the salary of £750 was concerned, there was no suggestion that it was not a reasonable salary.

The district auditor, having found that the salary of £750 was a salary which could be justified, then surcharged a sum on the council because Mr. Robson had received other sums of money for work he had done in other capacities. The auditor referred to cl. 15 of the schedule to the memorandum above mentioned which provided: "Salary scales within the ranges set out in sch. 1 shall be deemed to be inclusive salary scales, and all fees and other emoluments, except those for which other provision is made by or as a result of these conditions, shall be paid by the clerk into the rate fund." The argument was that any sums Mr. Robson received for work done during the period of his service with the local authority must be paid into the rate fund and, as they were not paid into the rate fund and he was allowed to retain them, that his salary was unreasonably large. In the Divisional Court all three judges rejected this argument, the Lord Chief Justice saying: "I put my decision in this case on the perfectly short ground, that these matters which the district auditor has thought ought to be taken into account, in considering what Mr. Robson's salary is, have nothing whatever to do with it. He is not receiving these moneys as clerk to the district council, and, as it is not suggested that the salary paid to him as clerk to the district council is unreasonable, I think it follows that the surcharge cannot stand." Amplifying this, his lordship said: "With regard to these other sums, it is said that these moneys ought to be regarded as part of Mr. Robson's salary, or at any rate as fees or emoluments that have to be paid into the rate fund. Undoubtedly they are emoluments. I do not suppose anybody will deny that if a man gets a salary as superintendent-registrar he is receiving an emolument, but he is not receiving that emolument as clerk to the council," and he went on to adopt the principle of what we ourselves had said about an organist, but taking a different illustration. (We quote) "I said during the course of the argument, supposing Mr. Robson had been appointed and allowed to accept the position of auditor to some business firm or some co-operative society in the district, or supposing he was appointed the paid secretary of a football club, he is not getting that payment as clerk to the council. It seems to me that these fees and emoluments referred to in para. 15 (of the recommendations) must be fees or emoluments received by Mr. Robson as clerk of the council, and there is no question here that the four lots of fees which the district auditor decided should be taken into account in considering whether the sum which Mr. Robson is getting is a reasonable sum or not have all been paid, not as clerk to the council but for other services he has rendered to other persons. For instance, why should Mr. Robson do the work as fuel overseer or as superintendent-registrar unless he is paid for it? If he has to account for this money to the local authority and it is to be calculated in his salary as clerk, the answer is that he would not do the work. Then what would happen? Somebody else would have to be appointed to do the work, and how is the council any the worse off? It is not suggested that these sums he receives as registrar and fuel overseer are paid by the council; they are not."

From this reasoning the Lord Chief Justice came to the conclusion: "In my opinion it is impossible to hold that para. 15 of sch. 2 which says: 'Salary scales within the ranges set out in sch. 1 shall be deemed to be inclusive salary scales, and all fees and other emoluments, except those for which other provision is made by or as a result of these conditions, shall be paid by the clerk into the rate fund,' refers to any emolument which Mr. Robson may receive."

With great respect, we may point out there that his lordship was reading into para. 15 of the memorandum a qualification which is not therein expressed. The paragraph is perfectly general, and, granting that the organist and football secretary are entitled to keep the fees they earn in these capacities, for

doing in their spare time work which could not honestly be done in the council's time, it by no means follows that the clerk is entitled to keep fees due to him for work done in ordinary office hours. The paragraph on which the district auditor relied is, in truth, ambiguous, like the expression "whole-time employment" itself. The person seeking to apply the paragraph must therefore choose between two meanings, either of them possible to argue, and neither of them plainly expressed.

Slade, J., therefore, whilst agreeing that the surcharge should be quashed, preferred to rest himself on other grounds, *viz.*, that the objective standard of reasonableness, binding on the council, had not been exceeded. The gist of his judgment appears to lie in the following passages: "The population of Alston being less than 5,000 the council in fact put the clerk on the salary scale for the first year of £700, and for the second year they gave him an increment of £50, which brought his total remuneration by way of salary, for the year which was the subject-matter of the disallowance and surcharge, to £725. His emoluments brought his total receipts up to £1,042. If one subtracts £924 from £1,042, which is a difference of less than £120, it is apparent that there is no substantial change in the amount of his other emoluments. The sole change is the rise in the salary from £610 to £725." And again: "the question which the district auditor had to ask himself, and the only question which he had to ask himself and which this court has to ask itself, is: Is the amount paid by the council to Mr. Robson objectively unreasonable? I do not think it is seriously suggested that if the increase in the salary from £610 to £725 had been the only thing to be considered that would be objectively unreasonable. But it is suggested that it becomes unreasonable because he continues to receive precisely the same fees and emoluments *aliunde* as he received when he only got £610 a year. I have read the various considerations appearing in the joint affidavit of the chairman of the rural district council, Mr. Wright, and his colleagues who voted in support of this payment, and the reasons which they gave for the exercise of their discretion. No one disputes that the discretion was exercised in good faith and, as I say, the only question is: Was the amount they paid objectively unreasonable? In my view it was not; it was objectively reasonable, and I think there was no evidence before the district auditor upon which he could come to the conclusion in law—it is a question of law—that it was objectively unreasonable."

Parker, J., agreed that the surcharge should be quashed, for the reasons which have been given by the Lord Chief Justice. He said: "This council adopted the recommendations of the Joint Negotiating Committee and increased the clerk's salary, first to £700 a year for six months and then to £750 for the second six months of the year in question. The district auditor conceded that a salary fixed upon a true construction of those recommendations would not be contrary to law and he would not seek to surcharge any part of it, but he says that the council, in fixing the salaries first of £700 and then £750, have misconstrued those recommendations. In particular he says they did not take into consideration in fixing the salary the fees and emoluments which he received from other quarters. The real question, as it seems to me—at any rate the first question—is as to what fees and emoluments are embraced in that expression where it occurs in condition 15 in sch. 2 of the recommendations. Do they embrace all emoluments received by the clerk from whatsoever source and in whatsoever capacity, or do they only include those received from the council itself, or only those received from whatsoever sources but in respect of his position as clerk and not otherwise? In considering that question it seems to me of vital importance to consider what this Joint Negotiating Committee were doing. They were seeking to arrive at a range of salaries according to population for the work done by clerks as clerks. The Committee were not seeking, as it were, to put a ceiling on a clerk's earnings or to penalize him for his enterprise in taking on other work. But Mr. Williams did seek to say that "fees and emoluments" in condition 15 at any rate included fees and emoluments received as the result of public appointments and in respect of work done during his whole-time service as clerk. I find very great difficulty in adopting any such interpretation; it seems to me that what are public appointments and what are the hours of whole-time service are hopelessly vague terms. It seems to me that the true meaning of that expression "fees and emoluments" is that they are fees and emoluments received by him, whether from the council or from some other source, but always in respect of his position as clerk. Applying that interpretation to the present case, except in regard to £15 4*s.* 6*d.* the fees for land charges registration, the other emoluments received were all received, not in his capacity as clerk but as the result of appointments which he was allowed, with the council's permission, to take up."

Once again, if we may respectfully say so, the court seems to have read into the contract a limitation which was not there, and to have missed the test which appeals to us as the sole practical test: Was the work done in office hours? To speak, as does Mr. Justice Parker, of fees and emoluments received by the clerk in his capacity as clerk, may land councils and auditors in the same difficulties as have arisen, over the same words or words to that effect, in relation to superannuation and compensation. To take an illustration of what might happen, admittedly an extreme and improbable example: An officer's salary is settled and agreed, as for a whole-time post—for some officers it may need approval also by a Minister. The officer's contract of service embodies para. 15 of the above quoted recommendations, requiring fees to be paid into the council's funds but, not content with spare-time earnings in other occupations, he undertakes such work as Lord Goddard instanced (say he becomes auditor to a business firm or a co-operative society, and does the work in the ordinary office hours). And suppose the council acquiesce, expressly or by mere connivance. Is it to be said that the auditor is powerless? He cannot attack the actual salary which *ex hypothesi* is "objectively" reasonable. He cannot attack the fees, because they are not charged in the council's accounts. And, on the reasoning of the court in the case we are examining, *semble* the auditor cannot surcharge the council for not insisting on payment in to their funds of the amount of those fees, because the fees were not earned by the officer in his capacity as such. It may be worth pointing out in this connexion that Parker, J., who began by associating himself with Lord Goddard's reasoning as well as the latter's conclusions, ended his own judgment by saying: "I should only add this, that Mr. Gardiner, on behalf of the appellants, further argued that even if the council's interpretation of the recommendations was wrong the total remuneration received in the year in question, namely £1,042 7*s.* 6*d.*, was not so unreasonable as to be contrary to law. In the view I have taken of the interpretation of the recommendations it becomes unnecessary to decide that question, but bearing in mind that the scales fixed allowed for flexibility in fixing the salary having regard to all the circumstances of the case, it seems to me that at any rate those recommendations afforded a good yardstick by which to test the reasonableness of any salary fixed. Bearing in mind that £800 was the maximum in the range of salaries in question and that he did, in the year in question, receive £1,042, I, for my part, as at present advised, would find it difficult to say that that was not so excessive as to be contrary to law. As I have said, however, I find it unnecessary to determine that question having regard to the view I have taken of the recommendations." This, in contrast with what was said by

Slade, J., who confined himself to the increase in pure salary, from £610 to £725 and then £750. The difference between £725 or £750 and £1,042 7*s.* 6*d.* chiefly consists of the fees or emoluments which the clerk ought, according to the district auditor, to have paid over. We thus have Mr. Justice Parker willing to say that, if the clerk's remuneration from all sources had all come from the council, it would have been unreasonable, but inasmuch as £317 7*s.* 6*d.* came from other sources the council might properly pay out, from the pocket of their ratepayers, the full £725 without asking the clerk to pay in the £317 7*s.* 6*d.* Reflecting, once again, that the £317 7*s.* 6*d.* was earned in the council's time, not by a spare-time occupation such as we must think Lord Goddard had in mind when he spoke of auditing a firm's accounts or being secretary of a football club (and such as we certainly had in mind when we spoke of playing the church organ), we find the conclusion strange.

What does emerge most clearly is the importance, for protection equally of the ratepayers and of officials in the future, of precise terms of contract, as little equivocal as may be. We are pretty sure that the district auditor's view of what was meant by para. 15, above quoted, has been widely held and acted on. The post of fuel overseer is new and presumably will not continue. The post of superintendent-registrar is old ; has been regularly held by local government officers, and is—we had supposed—the sort of post meant to be caught by the stipulation about fees. If the case goes no further and the unanimous decision of the Divisional Court upon that paragraph remains unshaken, the associations of local authorities and of their officers would be wise to put their heads together and decide what they really wish the contractual terms to be, about fees earned in the council's office hours but outside the council's service.

MISCELLANEOUS INFORMATION

ASSOCIATION OF MUNICIPAL CORPORATIONS

Annual Conference

The annual conference of the Association of Municipal Coporations was held at Folkestone on September 17 and 18, and was welcomed by the Mayor of Folkestone who spoke about the need to preserve local government. He referred to the original planning of the town, as a seaside resort, which is still so much admired, and explained the difficulty of reconstruction since the war when much damage was caused by shelling from across the Channel and from air raids. Five hundred flying bombs were brought down over or near the town in intercepting as many as possible before reaching London. Lord Kennet, P.C., G.B.E., D.S.O., D.S.C., President of the Association, presided at the opening session, when a paper was presented by Alderman Rowland Charlton, M.B.E., J.P., of Andover, on the "Highway Problem." In introducing his paper, which had been circulated with the agenda, Alderman Charlton said that future generations, when they see the records of all that has been written about the highway problem, will wonder at the complacency this concerned and at the lack of any new planning. He referred to the question of pedestrian crossings, which was a good idea, but the poverty of approach to the road problems was shown by the number of tinkerings which have been made to that idea. Pointing out that it was agreed on all sides that there was a road problem, he referred to the recent speech of Lord Leathers in the House of Lords. In his paper he surveyed the position which has developed over the last fifty years resulting in an increase of motor vehicles from 150,000 in 1910 to over 3,000,000 in 1939. The National Traffic Census of 1950 showed that since 1938 there had been an overall increase in the average daily volume of traffic of seven *per cent.* But the goods vehicles had increased by fifty-nine *per cent.* on the trunk and Class I roads and forty-four *per cent.* on the Class II roads. He urged that local government has, at least, a moral duty to see that everything that can be done is done for the safety and convenience of road users. The general approach to the question of local government co-operation in this solution of the highway problem should be in line with the advice given by the Local Government Manpower Committee "to recognize that the local authorities are responsible bodies competent to discharge their own functions and that, though they may be statutory bodies through which government policy is given effect and operate to a large extent with government money, they exercise their responsibilities in their own rights, not ordinarily as agents of government departments." Alderman Charlton urged, both in his paper and his opening remarks, that local authorities were entitled to a much greater share of the receipts from motor taxation, which, including the motor vehicle share of the fuel tax, but excluding the purchase tax, for the year 1951-52 was about £250 million of which only £33 million was spent on the roads. It was estimated that in the year 1952-53 the revenue would be £306 million. In the United States £10 2*s.* per head of the population is spent on the roads as compared with £1 9*s.* per head in this country. Even in Belgium, with its closely populated areas, the amount is £1 17*s.* Alderman Charlton suggested that the appalling number of road casualties made road improvement imperative. In about ten years the number killed on the roads was equal to the number of civilian deaths by bombing during the war. The number of children under fifteen years killed on the roads since the war was the same as those killed by enemy action during the war. In 1950 the casualties were 201,235 injured and 5,012 killed. However the money is to be raised and whatever the form or dimensions of grant, there would soon have to be a settlement of the question of how long we can afford not to spend on the roads. Reference in the paper was then made to the question of pedestrian crossings and to the unnecessary meticulous control exercised by the Ministry of Transport over local authorities in this connexion ; and to street lighting where, again, there is too much interference by the Ministry.

In conclusion Alderman Charlton suggested that it was urgently necessary that the task of consolidation and amendment of the highway law should be commenced as had already been urged on the Government by the Association. As points which might be considered, he thought more local authorities should exercise their powers as to the provision of parking areas under the Public Health Act, 1952. Greater use should be made of guard rails and queue barriers. Legislation is necessary to enable local authorities to erect bus shelters on the highway, which they can at present do only under Defence Regulations. Local authorities should be encouraged to experiment on these matters. In the subsequent discussion several speakers mentioned the burden caused by county boroughs having to bear the whole cost of the maintenance of main roads going through the borough because under the Exchequer Equalization Grant system some of them receive no grants whereas a county council is reimbursed 100 *per cent.* on the maintenance of trunk roads.

FINANCIAL RESOURCES AND GOVERNMENT CONTROL

The Chairman at the second session was the Mayor of Walsall (Alderman H. Busill Jones, J.P.) when a paper was presented by Dr. Eric Fletcher, LL.D., M.P., who was a member of the London County Council for fifteen years. Dr. Fletcher, in introducing his paper, said he was not convinced that there was any necessary connexion between financial resources and government control, but suggested that additional revenue was necessary to enable local authorities to meet necessary expenditure. He was in favour of the abolition of de-rating as had been urged recently by the Institute of Municipal Treasurers and suggested that the Association should press for a thorough investigation of this subject. He did not agree, however, that increased government grants necessarily meant increased governmental control and, in support of this argument, mentioned the financial arrangements between the government and the universities, when public funds are made available with little financial control. For instance, the Leeds university is largely dependent on public funds, but appears to have far greater independence in managing its affairs than the democratically elected city council. Dr. Fletcher thought that in the immediate future the best line of approach and most profitable way of dealing with the question of the relationship between local government and central government should be on the lines of the report of the Local Government Manpower Committee. He believed that as a result of the report the position is much better than it was a few years ago. It was the agreed objective to give the greatest possible autonomy to local authorities and reduce interference at the centre to the minimum. Although many of the recommendations were now operative some

departments have been more remiss, particularly the Ministry of Transport. Dr. Fletcher mentioned, however, that a number of the recommendations involve legislation which would ease the position very much. Speaking as a member of parliament, he did not think this legislation would be controversial and he suggested that the association should urge the government the importance of taking the earliest opportunity of introducing that legislation.

Turning now to Dr. Fletcher's paper, which deserves much fuller treatment than we have space to give it in our columns, he pointed out that the view is held in some quarters that the independence and freedom of manoeuvre of local authorities can only be restored by a substantial increase in the independent sources of revenue of local authorities. Thirty-four *per cent.* of their revenue comes from the National Exchequer, but the real difficulty of the non-county boroughs is that they have to raise such a large proportion of their rate revenue to meet precepts by the county council which tends to cripple purely local activities. He did not agree, however, that local authorities should be given the right to impose some other form of local taxation.

In the subsequent discussion several speakers gave strong support to the abolition of de-rating as being the easiest method of getting more local revenue without inflicting hardship on any part of the community. Other speakers thought local authorities should have alternative methods of revenue such as a local purchase tax.

ADDRESS BY THE MINISTER OF HOUSING AND LOCAL GOVERNMENT

The third session was devoted to an address by the Rt. Hon. Harold Macmillan, M.P., Minister of Housing and Local Government, on which he later answered a number of questions. The chair was taken by Alderman Sir Miles E. Mitchell, K.B.E., M.A., J.P., a vice-president and chairman of the General Purposes Committee of the association. The chairman, in welcoming the Minister referred to the falling away of the powers and responsibilities of local authorities but commended the report of the Local Government Manpower Committee as a modern charter of local government in this country. He wanted every member of the Conference and of the boroughs they represented to feel a personal responsibility for the good government of the country which was in two parts—central and local. The functions of the local authorities deal with the everyday happenings in the lives of the people. There must be parliamentary legislation but local authorities have to apply that legislation to the human beings with whom they are concerned. He told the Minister that local authorities have this sense of responsibility but are anxious that restraints should be taken off them, and mentioned that the association, through its constituent bodies, represents more than one half of the people of the country. Every municipality except one in Wales is in membership with the association.

Mr. Macmillan, in beginning his address, said that when the change in the title of the Minister was under consideration he particularly wanted "Housing" to be in the title but it was important that "Local Government" should also be included. He hoped when the housing position had been cleared up the Minister would be known as the Minister of Local Government alone although he would still also be responsible for housing. The Minister then referred briefly to the question of local government reform and asked in what sense there was need for local government to be reformed. How urgent was the problem? Is it inefficient? Why is reform urgent? If it is urgent, it might be assumed that it would be non-controversial. But all members of the association did not seem to be agreed among themselves. There are the other associations. Are they agreed among themselves? and is there agreement between the associations? After great research and much expert assistance in Whitehall and in the country it had not yet been possible to discover what was the general view. He could, therefore, make no promise of any general comprehensive measure particularly in the present pressure on parliamentary time, but he hoped to make some contribution to the improvement and reorganization of the structure of local government. It was impossible in one parliamentary session to deal with more than three or four big measures apart from the Budget and so on. There was, therefore, no hope of vast legislation for the "reform" of local government in the near future.

The Minister, in referring to the present activities of local authorities, said that their contribution to the well-being of the country is very great particularly in the field of housing. He thanked the association and all members and officers of local housing authorities for their help. Housing is not, and should not, be a party question. It is a personal and human question and a national question. The home is the basis of the family and without a happy family the nation will not succeed. Progress in housing was being made as a result of the enthusiasm of the local authorities. He referred to the shortage of certain types of materials in some parts of the country where the local authorities had, therefore, been asked to develop non-traditional methods; further in order to make the best use of materials they had been asked to develop what were called the "People's Houses" which saved material to the extent of ten *per cent.* But, as he emphasized several times in his address, although the Ministry make suggestions or give advice on such matters, it is the local authority and not the Minister who makes the decision as to the type of house to be built. He was glad to say, however, that in July seventy *per cent.* of the tenders approved were for designs which come under the category of "People's Houses." Then, in referring to the issue of private licences, the Ministry never attempts to interfere with the discretion of the local authority. But in spite of the increased number of licences which have been granted there will be more houses built to let this year than last year unless a disaster should occur. The Minister said he was very anxious to avoid standardization of designs as different types are needed from hostels down to old people's bungalows. At one time there was a danger of too many three-bedroom houses being built. Now there was a risk that too few of this type were being built. He asked local authorities to look into this point.

He then referred to other topics such as Rent Restriction and development charges. Here legislation was necessary but it was going to be difficult to reach agreement as to what should be done. On a matter within the control of local authorities he mentioned slum clearance, and urged the need to take up this matter again where it was left before the war. When slums are cleared new houses must be built on the sites, otherwise there will be blighted centres of the town and all the good housing on the periphery. He asked, therefore, that slum clearance should be looked into whilst proceeding with housing developments. The Minister then referred to the difficulty of finding enough land within a borough to meet the needs of those working there. The Town Development Act was passed to help to meet this difficulty. On other matters the Minister mentioned that on Planning, powers were given to local authorities so that the best use might be made of resources and not to limit resources. They should never be used as an opportunity of frustrating enterprise. On capital investment he said he would like to get rid of all controls and restrictions, but, in the present economic circumstances, there must be some planning of priorities.

GAS AND ELECTRICITY UNDERTAKINGS

At the final session when the chair was taken by the Mayor of Buxton (The Duke of Devonshire, M.C.) a paper was presented by Alderman A. W. Graham Brown of Guildford on "The Return of responsibility for the distribution of gas and electricity to local authorities." He thought the greatest defect in the present system was the lack of public control and the remedy was the transfer of the industry from national ownership to public ownership. When local authorities were responsible financial profit was not the aim—but service to provide fuel adequately to meet all local needs.

ROAD ACCIDENTS—JULY, 1952

Casualties on the roads of Great Britain in July, 1952, were 20,998 including 455 killed, 5,122 seriously injured, and 15,421 slightly injured, as compared with a total of 21,811 in July, 1951. This is a decrease of 813.

While the total number of casualties to pedestrians was practically the same as in July, 1951, there was an increase of forty-four (111 as against seventy-seven) in the number of adult pedestrians killed. There was, however, a drop of ten (fifty-nine as against sixty-nine) in the number of fatalities to child pedestrians.

Preliminary figures (subject to adjustment) for August show that total casualties were 20,881, compared with 21,819 a year ago. The number reported as killed is 423 (compared with 470) and seriously injured 5,079 (compared with 5,349). Road casualties for every month this year, except April, have been less than for the corresponding month of 1951.

REFLECTION

If there were a Six Carpenters' Case today
I'm sure it would be something about the rates of pay—
Or maybe as to whether in the circumstances they should
Have applied for a permit for their wood.

J.P.C.

LEGAL MAXIM

Lawyers will help you adjust your affairs
But are usually hopeless at managing theirs.

J.P.C.

LAW AND PENALTIES IN MAGISTERIAL AND OTHER COURTS

No. 86.

A DEFECTIVE PETROL PUMP

A garage proprietor carrying on business at The Lizard was charged at West Kerrier Magistrates' Court recently with having in his possession for use for trade a measuring instrument which was unjust, contrary to s. 25 of the Weights and Measures Act, 1878, as amended and applied by reg. 4 of the Measuring Instruments (Liquid Fuel and Lubricating Oil) Regulations, 1929.

For the prosecution it was stated that an inspector took preliminary tests of deliveries from defendant's electrical petrol pump. These showed such serious deficiencies that he made more exhaustive tests. He took three series of six tests each, six were for five gallons each, six of one gallon each, and six of one-half a gallon each. In each six deliveries three were taken at top speed of about ten gallons a minute and three at the lowest speed—about two gallons a minute. The complete list of recordings was put in by the prosecution and these showed that the heaviest deficiencies came when the pump was working at its slowest, and on five gallons registered on the pump meter there was an actual shortage of one gallon five pints sixteen fluid ozs., the most serious deficiency the inspector had ever found. In all the inspector drew off a metered 110 gallons. In not one of these was the delivery sufficient.

Defendant satisfied himself that the pump was wrong and was quite frank about it and said that he had no idea that it was incorrect. No customer had complained to him of short measure. The defendant confirmed also that no stock book was kept to check and no checks were made of the amount of petrol in the tank.

Subsequent examination showed that there was $\frac{1}{16}$" of water in the bottom of the petrol tank and when the pump was dismantled by engineers it was found that a form of rust paste had collected on the pistons of the pump and this had had the effect of causing them to deliver less than they should have done at lower speeds.

The pump had been installed in April, 1951, and although it was not suggested that defendant had been aware that his pump was defective, it was the duty of every petrol and oil supplier to ensure his machines were delivering the correct amount and this could be done by a regular check.

The defendant, who pleaded guilty to the charge, expressed regret to the Bench and said that although he had not kept a stock book he did keep invoices and checked each day the amount of petrol on the meters. Petrol sellers had to accept 200 gallons a time at least in quantities measured by dip-stick whereas they had to sell again in small measured quantities. It was impossible for them to register with complete accuracy how many gallons remained in the tank after the day's sales. The water found in the bottom of a 500 gallon tank was negligible and in any event the suction pipe did not go right down to the bottom and would not have touched the water.

COMMENT

By reg. 4 of the Measuring Instruments (Liquid Fuel and Lubricating Oil) Regulations, 1929, the provisions contained in the schedule to the Regulations, being provisions of the Weights and Measures Acts, are made to apply to measuring instruments as defined in reg. 2. By reg. 2 the expression "Measuring instrument" is defined as meaning any instrument used in trade for the measurement of liquid fuel or lubricating oil for sale in individual quantities not exceeding twenty gallons other than a simple independent measure to which the Weights and Measures Regulations, 1907, and any Regulations amending the same apply.

Article 1 of the schedule following s. 25 of the Weights and Measures Act, 1878, as amended by the Weights and Measures Act, 1889, provides for a maximum penalty of £5 for a first offence and £20 for a second or subsequent offence in every case in which a person is found to use or have in his possession for use for trade a false or unjust measuring instrument.

The writer has felt justified in reporting this case in some little detail for it is quite impossible for a motorist purchasing petrol from a pump at a petrol station to check the quantity which he orders and for which he pays and it is disturbing to read that a petrol pump erected within the last eighteenth months had developed sufficient rust on the pistons of the pump to cause a deficiency on every quantity supplied.

(The writer is indebted to Mr. E. T. Verger, clerk of the Cornwall County Council, and to Mr. J. D. Murray, an assistant solicitor employed by the county council, for information in regard to this case.)

R.L.H.

No. 87.

AN ELECTION OFFENCE

Two men who had been unsuccessful Communist candidates at a municipal election at Bolton in May last appeared before the Bolton Magistrates on September 8, each charged with the commission of an illegal practice in that having been a candidate at a local election, he had failed to comply with the requirements of s. 70 (2) of the Representation of the People Act, 1949, by failing to transmit to the appropriate officer a declaration as to election expenses, contrary to ss. 70 (2) and 147 of the Act.

For the prosecution, which was initiated by the Director of Public Prosecutions, it was stated that both defendants had the same election agent. The results of the election were known on May 8, and the agent sent in his return and declaration on June 16; this was, in fact, a few days late but no proceedings were taken against the agent. The candidates' declarations should have been submitted by June 19 but when interviewed by the police one defendant said that he had not known that a declaration was required from him and the other said that he had left it to the agent. The prosecutor informed the court that two years ago the defendants were candidates and had the same agent; the declarations were not submitted by the candidates on that occasion and they were interviewed and their liabilities were explained to them but no proceedings were then taken.

Both defendants pleaded guilty to the charge and one said that the declaration had been overlooked and there had been confusion because he thought the declaration of the agent was sufficient; the other said that the agent had told him that the necessary forms had not been received. The prosecutor informed the court that all the necessary forms had in fact been sent to the agent at the same time.

Each defendant was fined £5 and ordered to pay £3 3*s*. costs and given one month in which to pay.

COMMENT

Section 69 of the Act of 1949 enacts that the election agent must make a return of election expenses within thirty-five days after the day on which the result of the election is declared and s. 70 (2) provides that, within seven days of the transmission by the agent of his return, the candidate shall transmit a declaration made by him before a justice of the peace in the form provided in the fifth schedule to the Act. The declaration is to the effect that the candidate verifies the return of expenses made by the election agent.

By s. 72 of the Act a candidate who fails to comply with the requirements of s. 70 is to be deemed to be guilty of an illegal practice and s. 147 provides that a person guilty of an illegal practice shall, on summary conviction, be liable to a fine of £100.

Section 151 (*b*) enacts that a person convicted of an illegal practice shall, in addition to any penalty imposed under s. 147, be subject to the incapacities imposed by s. 140 (4).

This latter section provides for an automatic disqualification for being registered as an elector or voting at any parliamentary election or at any election to a public office for five years.

(The writer is indebted to Mr. J. H. Whittingham, clerk to the Bolton Borough Magistrates, for information in regard to this case.)

R.L.H.

PENALTIES

Darlington—September, 1952—obtaining 12*s*. 6*d*. by false pretences—fined £10 and to pay £3 15*s*. 6*d*. costs. Defendant obtained 12*s*. 6*d*. from the Assistance Board when he stated that he had got a job at a local works but was unable to get an advance on his wages. It was later found that he had received two advances of £1 each on the two days preceding his statement. Defendant admitted a sentence of twenty-eight days imprisonment last year for a similar offence.

Port Talbot—September, 1952—neglecting two children so as to cause them unnecessary suffering—fined £10. Defendant, a twenty-seven year old mother of two children aged five and two, and the wife of a sailor serving in the Far East, admitted going out drinking with men and leaving her children uncared for at home.

Coleshill—September 1952—in charge of a car while under the influence of drink—fined £50 and disqualified from driving for fifteen years. Defendant, aged fifty-nine, had five previous convictions for similar offences, two of which had resulted in prison sentences. A medical consultant said certain treatment would be more desirable than prison and defendant agreed to undergo this treatment.

Shepton Mallet—September 1952—(1) stealing £3 from a postal packet in course of transmission—(2) opening a second postal packet—three months' imprisonment. Defendant, a fifty-three year old postman who, after serving for thirty years in the merchant navy and reaching the rank of Chief Steward, had, for seven years, been employed by the Post Office. Defendant's average weekly wage £8 17*s*. 11*d*. Married and three children.

REVIEWS

Trial of Alfred Arthur Rouse, Second Edition. Edited by Helena Normanton, B.A., Barrister-at-Law. London: William Hodge & Co., Ltd., 86, Hatton Garden, E.C.1. Price 15s. net.

The first edition of this book, in the Notable British Trials Series, appeared in 1931, the trial having taken place in January of that year. The case, known as the "Blazing Car Mystery" was the subject of much discussion in legal circles, particularly about the admissibility of certain evidence, but, no one can doubt that Rouse was guilty. Indeed, an alleged confession appeared in a newspaper immediately after the execution, and it appears to have been genuine.

The crime, the murder of an unknown man against whom Rouse had no grudge, was callous in the extreme. The apparent object was to create the impression that Rouse himself had perished in his own blazing car, so that he might disappear and rid himself of embarrassments. His loose conduct with women is evidenced by his having committed bigamy, having more than one bastardy order against him, and the suggestion that he was responsible for the seduction of scores of women and girls.

Rouse thought he had planned the perfect murder, but fortunately his plans miscarried and he lost his head and behaved stupidly after the crime. As Mrs. Normanton observes: "Presumably it is one thing to perpetrate an efficient murder, and quite another, and infinitely harder, to anticipate every possible flaw in the attitude of innocence, and to devise a course of conduct afterwards which shall dominate the situation."

His was a strange and tragic life story. He appears to have been a steady, attractive, decent young man, until having entered the Army as soon as war broke out he sustained a serious head wound. Perhaps the most merciful view is that, as the editor suggests, he never really recovered from that.

THE SALE OF COUNCIL HOUSES — DOUBTS AND DIFFICULTIES

Most people in these hard-pressed days are glad to hear of any move by the Government calculated to relieve the burden on the rates, and no doubt they welcomed the news that the sale of council houses had been made much easier by the newly passed Housing Act and Circular (No. 64/52) recently issued by the Minister of Housing and Local Government, giving a general consent, subject to conditions, to sales of this kind. Nevertheless, while it is questionable whether council house tenants will jump at the chance to assume the responsibilities of house-ownership in the numbers apparently visualized by the Government, the very possibility that such sales may take place at all will create an atmosphere full of doubts and difficulties in the minds of those concerned with the administration of housing estates. It is probably not too much to say that there will, in general, be little enthusiasm for the idea in those quarters, for the simple reason that the disposal of these houses is likely to be unfair to that greater part of the population who are not council house tenants, that the management of housing estates, already exacting enough, would be rendered more difficult, and that it would lead to the needless expansion of those estates.

How does unfairness arise? Surely, in many ways, arising from the proposition that in the field of rate-borne services, every privilege, financial or otherwise, enjoyed by a section of the population, must be at the expense of the remainder of the public. Nowhere is this contention more amply demonstrated already than in local authority housing, where, regardless of household income, tenants of council houses are the beneficiaries of generous rent subsidies paid by the public as a whole.

In his circular the Minister states that one of the reasons necessitating an amendment of the Housing Act of 1936 with respect to the sale of council houses was the fact that that Act required the local authority to secure the best price reasonably obtainable, and because it was considered that this clearly discouraged the man who desired to become an owner-occupier, the statutory requirements have been relaxed. Of course the 1936 provision, in these days of scarcity values, renders house-purchase more expensive, but that applies to everyone seeking to buy his own home; by what ethical process, therefore, is it thought that the council house tenant should alone be exempted from the economic conditions of the day? If he is willing and able to become a house-owner, by all means give him every inducement to do so, by purchasing a privately-owned property in the same way and on the same terms as anyone else. Let us not forget that on the assumption—and a safe assumption it is—that demand for council house tenancies will persist, every house sold off a council estate is one less available for letting and will almost certainly have to be replaced by a new one at the high costs prevailing to-day. The Minister's circular makes it possible for houses built on or before May 8, 1945, to be sold at twenty years' purchase of the *net* annual rent, thereby presumably making a free gift to the buyer of twenty years' capitalization of any subsidy payable. Accordingly, when the sold-off house has to be replaced by a new one at current prices, someone has to make up the difference between the selling price of the old house on the net basis mentioned, and the cost of the new one at present day values. This difference may well be to the tune of £1,000 and—it should be remembered—all that has been achieved by this expenditure is that the local authority have kept in existence one house available for letting. Who pays the £1,000? The general body of the ratepayers.

There are further discriminations in favour of the tenant which may be mentioned, the justification of which it is equally difficult to understand. The 1936 Act allows tenants to purchase council houses either by instalments or by way of mortgage, no deposit need be paid, there is no control of the rate of interest payable and no limit to the period of repayment. Compare this situation with that of the ordinary purchaser, who can only buy at prevailing market prices, must pay a deposit of at least ten *per cent.*, is bound to obtain his loan by mortgage and whose rate of interest and period of repayment is governed either by statute or in practice.

The financial objections then, are formidable, but while exception can be taken to this power being placed in the hands of local authorities, there is at least the saving grace that the foregoing represent the maximum concessions which can be made, and it is likely where sales do take place that local authorities will, as they legally can and should, impose terms more consistent with the interests of the general body of the ratepayers. This consolation, such as it is, however, is conspicuously absent from the consideration of the second class of objection—that management will be made more difficult.

Here, however devoted they may be to the ideal of democratic equality, those responsible for the day-to-day administration of council estates are very well aware of the difficult and often intractable personal and psychological problems that are forever arising and which call for all the qualities of experience, tact, sympathy and firmness if much unhappiness and friction is to be avoided. Although the majority of council house tenants are normal, decent, hardworking people, it is a fact that in practice it is not rarely that one encounters the inconsiderate, quarrelsome and awkward types on such estates and the unpleasant situations that do arise require all the skill of the experienced housing manager. It is perhaps sad but undeniably true to say that his influence is immeasurably strengthened by the knowledge

the tenant has of the council's ability in the last resort to employ the final sanction—eviction. Quite apart, therefore, from the discord that may well result from the very fact that the remainder of the tenants will resent the presence of an owner—no longer quite one of themselves—there is the distinct possibility that the new owner may cease to be the compliant person he was as a tenant. There is no effective substitute for the ultimate remedy of eviction. What does the local authority do with the unco-operative owner who persists in leaving his dilapidated lorry in the road or parks it in his garden, who has startling tastes in house decoration, who puts up ramshackle sheds on his property, who will not keep tidy his portion of the open grass fore-court or wants to keep his neighbours off it, or who just is a bad neighbour? The thought of attempting practical control of this sort of thing by means of restrictive covenants passes from the mind as soon as it enters.

The assumption that unsatisfied housing demand will require the replacement by new houses of those sold to tenants can only lead to the gradual but continuous expansion of council estates, a situation particularly to be deplored in rural communities, where already the essential character of many villages is threatened by the preponderance of the council-type house. While the great majority of modern local authority houses are sturdily built and the estates well laid out it would surely, for amenity reasons alone, be better to encourage the prospective property owner to leave his council house in favour of some other person only able to rent and to build his own home on a single plot according to an individual plan and thus help to perpetuate the varied appearance which goes so far to make the English village the pleasant place it usually is.

It is not suggested that there is no utility in the new or revived power to dispose of council houses, particularly in special cases. In rural districts, for instance, it sometimes happens that for one reason or another a house or two has been built in some remote spot where general demand may no longer exist. In such cases it might well be to the advantage of the public and economise in administrative expense if the houses concerned could be sold to the tenants under the circular, or even, presumably by the individual dispensation of the Minister, to a local farmer where the houses might be said to serve the needs of his holding only. No doubt there do exist in both town and country a number of cases of this kind which do not, strictly speaking, cater for general needs and it is there that real advantage might be taken of the power to sell without detriment either to the public purse or loss to the pool of suitable housing accommodation.

Nevertheless, while expressing surprise at the latitude which the Government has shown local authorities by their new measures and objecting thereto in principle for the reasons given above, one cannot help but entertain the suspicion that—not for the first time in recent years—we are confronted with an example of the mountain and the mouse of whom the ancient proverb speaks and that very few tenants will be anxious to exchange their subsidy-sheltered lot for the responsibilities and the expenses of personal ownership.

"AGRICOLA."

"CONFOUND THEIR POLITICS"

In a recent letter to *The Times* Brigadier Nigel Balchin places his finger upon an apparent inconsistency in the application of the maxim *de mortuis nil nisi bonum*, in connexion with obituary notices:

> "The estimate of any artist is often carried out with an almost fierce objectivity, which is lacking in that of any other type of public man. We are told, with admirable candour, that while Mr. X's work was purely derivative and lacked any degree of artistic subtlety, he had a pleasant small talent which appealed to the less discriminating public. I have yet to read that while Mr. Y, the politician, was incapable of uttering a coherent sentence in public, and thought that Bohemia was a seaport, he had a pleasant *faux bonhomie* that appealed to the less discriminating voter . . . But perhaps I am failing to appreciate a subtle compliment to the arts."

With this last observation we respectfully agree. The criteria in the two cases are different both in degree and in kind. The contempt of the artist for the man of action is of long standing, and is by no means based upon mere prejudice. For the artist has in his mind's eye certain standards, hallowed by centuries of critical discrimination, which he is seeking, consciously or unconsciously, to emulate; and whether he works on conventional or revolutionary lines he knows that his achievement will be ultimately judged by those same standards, which are changeless and enduring. The man of action, on the other hand, is too often content, like a restless and immature boy, to look upon action as a desirable thing in itself; his motives and aims are, for the most part, vague, ephemeral and inconstant, and lead him, like the boy he is, as often as not into serious mischief. It is not merely that the standards of public life and the policies of governments are built on shifting sands, that the traitor of today may be the national hero of tomorrow, and *vice versa*, or that conduct which this week is regarded as commendable and public-spirited may be execrated as unpatriotic the week after next. "Hell is paved with good intentions"; even a carefully-planned and seriously thought-out scheme of action may go awry through the perversity of circumstances or lack of attention to some important detail; what, then, is to be expected of that continual recourse to improvization, that dabbling by inexperienced amateurs, that goes by the name of politics? Is it any wonder that history has become, as Winwood Reade saw it, the story of the Martyrdom of Man, when the world's political systems throw up petty men whose sole qualifications are a rhetorical facility in appealing to the baser passions and ignorant prejudices of their fellows, a *flair* for self-advertisement and an over-riding lust for power?

Let it not be supposed that democracy—in any of the thousand-and-one forms of that much misused word—has solved the problem. The extravaganza at this moment in progress on the other side of the Atlantic is an excellent example. The best that can be hoped of such exhibitions is that neither the candidates nor the electorate can seriously mean one-tenth of what they say. And it is everywhere the same. Whether the occasion be a general election, an annual party conference or a campaign for the choice of a new president, the same unwholesome influences are at work, and the proceedings are reminiscent of the histrionics of a film-star on a publicity stunt. The appeal is not to the mind but to the emotions; denigration of an opponent is of more importance than constructive thinking; slogans and *clichés* are made to serve in the place of original ideas; clever superficialities are received with acclamation by the multitude which is incapable of appreciating logical argument. And once the electoral campaign is done, the issues of the moment, over which thousands cheered themselves hoarse, are forgotten; the burning questions of the hour flicker and

smoulder to extinction, as dead, a few weeks later, as the abstruse discussions of those mediaeval theologians who were wont to wax eloquent on the subject of the precise number of angels that could dance on the point of a pin.

Plato's vision of an Ideal State, ruled by a class of Guardians who should be educated and trained from birth for the high offices of administration, may seem to modern ears to smack of autocracy, and it may be a defect in his system that the primary subject of study for these Guardians was to be (of course) Platonic philsophy. Yet his system has more to recommend it than the hit-or-miss methods practised today. " Politics " as Robert Louis Stevenson has acutely observed " is perhaps the only profession for which no preparation is thought necessary," and this aphorism has become a truism in our time. A lawyer, a doctor or an engineer must undergo a long and arduous course of training for his vocation; but anybody—stockbroker, trades-unionist, farmer, soldier or mechanic—thinks himself capable of making a success in politics without any training whatsoever, so long as he can talk in public. A man who has a knack for putting words together in a manner which will appeal to the unintelligent masses is not necessarily, or even probably, one who will evince ability in formulating or carrying out a wise policy, or in ably and efficiently administering a public department; yet all the " democracies " are accustomed to confer high office in the councils of state upon those whose only success has been achieved on the public platform or at the microphone—two institutions which effectively protect the speaker from the inconvenience of having to answer objections and justify his specious phrases in the give and take of thoughtful argument.

It may be said that these are merely the views of a disgruntled cynic of academic and unpractical predilections. Yet there can be no doubt that the men of action, particularly the politicians, have had a " bad press " from the great masters of thought and style who hold an unassailable place in the Temple of the Arts. Shakespeare's Hamlet, moralizing on the human *débris* uncovered by the sexton's spade, speculates on whether one of the skulls may not be " the pate of a politician—one that could circumvent God " ; while Lear adjures the blinded Gloucester—

> " Get thee glass eyes ;
> And, like a scurvy politician, seem
> To see the things thou dost not."

Jonathan Swift expresses the opinion—

> " that whoever could make two ears of corn
> or two blades of grass to grow upon a
> spot of ground where only one grew before,
> would deserve better of mankind, and do more
> essential service to his country, than the
> whole race of politicians put together."

And, lest it be thought that the foregoing strictures on the sterility of demagogic activity are aimed solely at what are called " the masses," let us recall the observation of Disraeli himself about " this barren thing, Conservativism—an unhappy cross-breed ; the mule of politics, that engenders nothing." Nay, it is not so many years, neither, since the greatest living man of action in this country—who is also a writer and an artist in his own way—described the party of which he is now the leader as the receptacle for " sentiment by the bucketful—patriotism by the imperial pint." Times have changed, and the erstwhile rebel has mellowed with the years. The philosopher will find an appropriate summing-up in *Man and Superman* :

> " I spent an evening lately in a certain celebrated legislature, and heard the pot lecturing the kettle for its blackness, and ministers answering questions. When I left I chalked up on the door the old nursery-saying—'Ask no questions and you will be told no lies.' "

A.L.P.

PERSONALIA

APPOINTMENTS

Mr. I. R. Drummond, LL.B., deputy town clerk and deputy clerk of the peace for Dudley, has been appointed deputy town clerk of East Ham. He succeeds Mr. R. H. Buckley, LL.B. Mr. Drummond is thirty-seven.

Miss Edna Cann, deputy town clerk of Walthamstow borough council, has been appointed deputy town clerk of West Ham. She is thought to be the first woman to hold an appointment as deputy town clerk to a county borough. Miss Cann was articled to Messrs. Cooke, Painter, Spofforth & Co., Bristol solicitors, and was appointed legal adviser to Southall council in 1941. She held a similar position in Finchley and went to Walthamstow as assistant solicitor. Five years later she was appointed deputy town clerk. It is believed that she was then the second woman to hold such a post in a non-county borough.

OBITUARY

We announce with regret the death of Brigadier William Robert Fiddes Osmond, C.B.E., who became Military Deputy of the Judge-Advocate-General of the Forces in 1948.

Brigadier Osmond was educated at Marlborough and University College, Oxford, and was called to the Bar by the Inner Temple in June, 1915. He attended the Royal Military Academy, Woolwich, and saw service in the 1914-1918 war in the Royal Horse Artillery.

After entering the Judge-Advocate-General's office in 1923 he became Deputy-Judge-Advocate-General of the Rhine Army in 1929, Deputy-Judge-Advocate-General in Saar Territory in 1935, and Assistant Judge-Advocate-General at the War Office in 1941. He was promoted Colonel in 1947 and became second military deputy of the Judge-Advocate-General with the rank of Brigadier in the following year.

Besides his service in the Judge-Advocate-General's Office, Brigadier Osmond also acted as Secretary of a number of important Committees connected with reforms in court-martial procedure including the Committee under Mr. Justice Oliver in 1938 and that under Mr. Justice Lewis in 1946. His work in those spheres was invaluable and did much to ensure the smooth-running of their deliberations.

He also performed valuable service as a member of the secretariat of the official committee set up under the chairmanship of Sir Henry MacGeagh, Judge-Advocate-General of the Forces in 1944 to negotiate agreements as to jurisdiction with our allies in the civil administration of liberated territories.

NEW COMMISSIONS

WARWICK COUNTY

William Bailey, 3, School Hill, Chapel End, Nuneaton.
Alfred Geoffrey Bayliss, 160, Newtown Road, Bedworth, nr. Nuneaton.
Miss Kathleen Alix Chandler, The Chestnuts, Kineton, nr. Warwick
Michael Joseph Cosgrove, The Cottage, Rectory Road, Arley, nr. Coventry.
Norman James Curtis, Arden Lodge, Dorridge.
James Wilfrid Davy, Grove Croft, Grove Road, Knowle.
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Frederick James Press, 8, Elsoe Road, Rugby.
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Captain George Robert Hanson Sale, Manor Farm, Sheepy Parva, Atherstone.
Albert Ernest Shaw, Colliery Farm, Merevale, Atherstone.
Andrew Simpson, Alderminster Farm, Stratford-on-Avon.
Mrs. Sophia Ogston Spark, Rose Hill, Atherstone.
John Dixon Stewart, 77, George Street, Gun Hill, Arley, nr. Coventry.
Wynne Martin Thomas, 80, Lyndon Road, Olton, nr. Birmingham.
Howard Titterton, 456, Main Road, Glascote Heath, nr. Tamworth.
Miss Joan Mary Tuckley, 80, High Street, Coleshill.
Charles Samuel Ward, 29, Birmingham Road, Ansley.
Dr. Abraham Bruce Whitworth, 65, Lawrence Road, Rugby.

PRACTICAL POINTS

All questions for consideration should be addressed to "The Publishers of the Justice of the Peace and Local Government Review, Little London, Chichester, Sussex." The questions of yearly and half-yearly subscribers only are answerable in the Journal. The name and address of the subscriber must accompany each communication. All communications must be typewritten or written on one side of the paper only, and should be in duplicate.

1.—Acquisition of Land—*Compulsory purchase—Delay in completion.*

My council are in the process of acquiring a housing site which includes various parcels of land. Three of the parcels have been acquired by negotiation, whilst a larger area has been the subject of a compulsory purchase order which has been confirmed by the Minister of Housing and Local Government. This last land includes a caravan site. Notice to treat and notice of entry have been served and lengthy negotiations have been proceeding between the district valuer and the agent for the owner. Should the price of the land prove excessive in the opinion of the council, the following questions are raised :

(i) Are the council able to withdraw from the acquisition of a certain portion of the land included in the compulsory purchase order ?

(ii) If they take this step, has the owner any remedy and if so what ?

(iii) What remedy has the local authority if the price of land which they propose to acquire proves exorbitant ?

(iv) If the dilatoriness of the agents for the owner causes delay in the acquisition of land included in a compulsory purchase order, what are the rights and liabilities of the local authority :

(*a*) If they enter on the land before negotiations are completed ?

(*b*) If they wish to bring pressure to bear with a view to expediting matters ?

PICO.

Answer.

(i) Yes ; they may withdraw under the Acquisition of Land Act, 1919, s. 5, and the Lands Tribunal Act, 1949, s. 5.

(ii) He has a right to compensation if he has given a proper notice of claim.

(iii) The price may be assessed by the Lands Tribunal and in view of the Town and Country Planning Act, 1947, it is unlikely to be exorbitant. The remedy otherwise is to withdraw under (i) above.

(iv) (*a*) They may have the amount of compensation settled by the Lands Tribunal under the Acquisition of Land (Authorization Procedure) Act, 1946, and the Lands Tribunal Act, 1949.

(*b*) They may state their intention of proceeding under (*a*) above.

2.—Building Materials and Housing Act, 1945—*Limitation of period for prosecution.*

I have been consulted by the purchaser of a house, in respect of which a building licence was issued and the maximum selling price fixed by the council at £1,110. This purchaser bought the house, in which he now resides, for £1,500 and the matter was completed towards the end of May, 1951. It is apparent, therefore, that there is a *prima facie* case for a prosecution under s. 7 of the above Act against the vendor. The Building and Materials and Housing Act, 1945, makes it clear that such a prosecution shall be summary, and therefore the Summary Jurisdiction Acts apply in accordance with s. 51 of the Summary Jurisdiction Act, 1879. As you will be aware, under those Acts, if no time is limited by the particular statute creating the offence, an information must be laid within six calendar months from the time when the matter of the complaint arose. Obviously if this provision applies, any prosecution brought for this offence would now be out of time. It, however, seems to me that the phraseology of s. 7 (1) may take this offence outside the ambit of the above limitation, since the section states "any person who, during the period of eight years beginning with the passing of this Act, sells, etc."

I should be glad of your opinion, therefore, as to whether it is possible to bring a prosecution at any time within the period of eight years after the passing of the Act, or if you consider the six months' limitation under the Summary Jurisdiction Acts applies ?

P. TYCHO.

Answer.

The offence is committed by the sale and time runs from the completion. The period of eight years (substituted for four years by the Housing Act, 1949) is the period during which a sale may amount to an offence. The six months' period of limitation therefore applies.

3.—Food and Drugs Act, 1938, s. 13 (1) (i)—*Supply of hot water—Cold water supply plus a gas ring available to heat the water in a bowl.*

By virtue of s. 13 (1) (i) of the Act of 1938 "there shall be provided in, or within a reasonable distance of, the room . . . and a sufficient supply of . . . clean water, both hot and cold, for the use of persons employed in the room."

In this district there are certain rooms which are used for the purposes referred to in s. 13 (1) of the Food and Drugs Act, 1938, and which do not come within the proviso thereto. Although there is a supply of cold water available as required by s. 13 (1) (i) the only provision for hot water is a gas ring and a bowl by means of which the cold water referred to can be heated. I would point out that the bowl of water is not being constantly heated on the gas ring during the period when the persons are employed in the rooms but is only used in that it is available for heating when hot water is required.

In my opinion the requirement as to the supply of hot water means that hot water should be immediately available and not that it should be available on each occasion when required only after the process of heating in a container has been carried out ; there should be a constant supply of hot water even if only by means of the bowl of water being continually heated on the gas ring during all material times.

The solicitors acting on behalf of the owner have stated as follows : "In our opinion it is not true to say that no hot water is available if in fact there is water available and also heating arrangements."

I shall be glad if you will advise me as to which is the correct opinion.

JAY.

Answer.

We are inclined to agree that the subsection is complied with if the bowl of water is kept heated so as to be always instantly available, but that it is not sufficient if the water has to be heated from cold whenever hot water is required.

4.—Music, etc. licence—*Whether limitation to "wireless installation with a loud speaker" includes television.*

Several licensees of public houses have been granted music and dancing licences under the Public Health Acts Amendment Act, 1890, and each licence is subject to the condition that no public music, singing, or other public entertainment of the like kind shall be given or take place in the licensed premises except by means of a wireless installation with a loud speaker in the bar during permitted hours.

One of the licensees has purchased a television set and is desirous of working it in the bar for the pleasure of his customers. Will the existing music and dancing licence cover the proposed use of the television set ?

No doubt the point has arisen by now in the metropolitan districts and you might be in a position to inform me of the practice there.

N.E.P.D.C.

Answer.

Our correspondent's point has arisen in other districts and we answered questions similar to his at 115 J.P.N. 462 and 478, and this year at p. 143, *ante*.

This is an instance where invention outstrips nomenclature. We find it difficult to say that the expression "wireless installation with a loud speaker" excludes a television set, although we agree that when the condition was originally drafted there was possibly no thought that television was within its scope. In our answer at p. 143, *ante*, we suggested a procedure which licensing justices may desire to adopt if they are unwilling that there shall be television reception at licensed premises.

5.—New Streets Act, 1951—*Exemption from payments—Service of notices.*

1. Exemptions from Payments by Owners

Section 1 (3) (*d*) provides that the requirement of s. 1 (1), that the owner of any land on which a new building is to be erected shall make or secure payment to the authority as therein stated, shall not apply "in a case where an agreement has been made by any person with the local authority under s. 146 of the Public Health Act, 1875, providing for the carrying out at the expense of that person of street works in the street, or a part thereof comprising the whole of the part on which the frontage of the building will be, and for securing that the street or part thereof, on completion of the works, will become a highway repairable by the inhabitants at large." Please advise upon the following points arising from a consideration of s. 1 (3) (*d*) of the Act of 1951 and s. 146 of the 1875 Act :

(*a*) In order to gain exemption under s. 1 (3) (*d*) of the Act of 1951, must the agreement under s. 146 of the Act of 1875 have been entered into before October 1, 1951 (*i.e.*, the date of coming into operation of the Act) or will it suffice if the agreement is made after that date but before the authority passes the plans of the building deposited in accordance with byelaws ?

(*b*) Since s. 1 (3) (*d*) of the Act of 1951 refers only to agreements "providing for the carrying out at the expense of that person of street works, etc.," could exemption be granted under this paragraph in cases

where the agreement under s. 146 of the Act of 1875 provides for the urban authority to pay a portion of the street works?

2. Service of Notice and Further Notice

(*a*) Must the second notice envisaged by s. 2 (3) of the Act of 1951, like the original notice envisaged by s. 2 (1), also be served within one month after the passing of plans, or can the further notice be served at any time after the first notice? Attention is drawn to the opinion on this point expressed in *Pratt & Mackenzie* (19th edn.), note (1) on p. 880.

(*b*) Can a further notice, served by the local authority under s. 2 (3), be for a nominal amount, or any amount less than the amount calculated in accordance with s. 2 (2)?

(*c*) If the answer to point (*b*) is "No," will you please instance an example when a further notice under s. 2 (3) might be required.

PRAL.

Answer.

1. (*a*) At any time before the payment of the deposit or giving the security. An agreement under s. 146 of the Act of 1875 makes provision for the making up of the road and the safeguards in the provisions of the Act of 1951, are not required.

(*b*) Yes. The agreement would be within the terms of s. 146 of the Act of 1875.

2. (*a*) Yes. The notice in s. 2 (3) is a further notice such as must be served under subs. (1). Subsection (4) appears to confirm this view.

(*b*) Yes, provided the original calculation was wrong or the authority have changed their opinion as to the works required before adoption. An arbitrary reduction of the proper sum under s. 2 (2) would be improper.

(*c*) *See* (*b*) above.

6.—Private Street Works Act, 1892—*Street comprising pre-existing public footpath—Liability of highway authority.*

One of the objections which may be made by a frontager under s. 7 of the Act is that the street is in whole or in part a highway repairable by the inhabitants at large. It often happens, particularly in rural districts, that there is a public footpath running down the private street; the footpath has probably been there for years and the private street has been laid out along its general line. The practice of the county council when making up such private streets under the Act has been, where repair of the footpath has been acknowledged as a public liability, to bear the cost of the apportionment of a footpath. A difficulty has now arisen by reason of s. 47 of the National Parks and Access to the Countryside Act, 1949, the broad effect of which is to impose upon the county council liability to repair any footpath in respect of which liability cannot be established against some other person. This has extended the county council's liability in so far as before that Act there were many footpaths for which no one was responsible for maintenance, whereas now responsibility falls upon the county council. Does this mean that the effect of the Act of 1949 is to make the county council liable when making up a street under the Act of 1892 for the cost of a footpath, in the case where there is a public footpath running along the line of the private street and responsibility for the maintenance of that footpath cannot be pinned upon anyone?

P. JOHNIAN.

Answer.

Where a footpath had been dedicated since the Highway Act, 1835, without compliance with formalities of s. 23 of that Act, the footpath was repairable by no one, and the liability in respect of the footpath under the Private Street Works Act, 1892, was on the frontagers because the path did not fall within s. 7 (*b*) of that Act. Now by s. 47 of the National Parks and Access to the Countryside Act, 1949, such footpaths are repairable by the inhabitants at large and would be the subject of an objection under s. 7 (*b*) of the Act of 1892, were it not for s. 50 of the Act of 1949, which preserves the liability of the frontagers.

7.—Road Traffic Acts—*Lights on vehicles—Bicycle with no lights—One offence or two?*

I have before me a printed form of information, issued by Messrs. Shaw & Sons, for an offence of riding a pedal cycle without a front or rear light, under ss. 1, 5 and 10 of the Road Transport Lighting Act, 1927. This is one information for what appears to me to be two separate offences.

Section 1 (1) of the Road Transport Lighting Act, 1927, states that every vehicle on the road during the hours of darkness shall carry:

(*a*) two lamps each showing to the front a white light visible from a reasonable distance;

(*b*) one lamp showing to the rear a red light visible from a reasonable distance. And then s. 5 modifies this to one front light in the case of a bicycle.

Now it seems to me that this section makes provision for two separate offences:

(1) Not carrying a front light and

(2) Not carrying a rear light.

If the section had said that the vehicle had to carry a front *and* a rear light that might be one offence, but it does not; it simply says that it shall carry a front light and it also says that it shall carry a rear light. You will notice that there is no "and" between (*a*) and (*b*). It seems to me, therefore, that these are two separate offences and that this information is bad because it provides for two offences in one information contrary to s. 10 of the Summary Jurisdiction Act, 1848.

I appreciate that both *Stone* and *Oke's Magisterial Formulist* have similar forms, but it does seem to me that such an information is bad. I shall be glad to have your comments thereon.

CH. PEDANTIC.

Answer.

We think there is one offence only, and we so stated in answer to a similar question at 111 J.P.N. 762.

The offence is that of failing to carry the lights prescribed by the Act of 1927. The law can be complied with only by carrying all the lights required, and an offence is committed if any one (or more) of those lights is missing.

8.—Water Act, 1945, s. 11—*Supply outside limits.*

Water undertakers operating under a local Act are now supplying an adjoining area under an order under s. 11. Previously the undertakers had been supplying a limited outside area, with the consent of the local authority concerned, but they have charged a higher rate for water supplies than in their own statutory area. In view of s. 11 (5) of the Act of 1945 can it be claimed that the charges in the extended area should be in line with those in the original statutory area?

PILS.

Answer.

While the undertakers are, by virtue of an order under s. 11 (1) of the Water Act, 1945, authorized to supply water outside their limits of supply, the enactments relating to their undertaking have effect as if the area specified in the order were within those limits; *see* s. 11 (5) of that Act. The power to charge different rates will, therefore, depend on the terms of the local Act, as modified if at all by an order under s. 32 of the Act of 1945. If there is no power in the local Act to charge different rates in special circumstances, the rates must be the same as those in the area under the local Act.

OFFICIAL AND CLASSIFIED ADVERTISEMENTS, ETC. (*contd.*)

BOROUGH OF BRIDGNORTH

Appointment of Town Clerk and Chief Financial Officer

APPLICATIONS are invited from Solicitors and other qualified persons with previous Local Government service for the appointment of Town Clerk and Chief Financial Officer.

The appointment will be in accordance with the Recommendations of the Joint Negotiating Committee for Town Clerks and District Council Clerks and the salary will be within the range of para. 2 of the first schedule of the Recommendations and on a population basis 5/10,000.

The appointment will also be subject to the provisions of the Local Government Superannuation Acts, and the successful candidate will be required to pass a medical examination.

Applicants must have a thorough knowledge of Local Government law and administration, and must be competent to prepare the accounts of the various Funds administered by the Corporation.

The person appointed will be required to devote the whole of his time exclusively to the service of the Corporation and will not be permitted to engage in private practice.

The appointment will be determined by three months' notice on either side.

Applications, giving age, qualifications, experience and details of present appointment, and accompanied by copies of three recent testimonials, should be forwarded in sealed envelopes endorsed "Town Clerk," to be received by the undersigned not later than Thursday, October 16, 1952.

Applicants must state whether to their knowledge they are related to any Member or Senior Officer of the council.

Canvassing, either directly or indirectly, will be a disqualification.

WILLIAM McINTYRE,
Town Clerk.

Town Clerk's Office,
College House,
Bridgnorth.

HAMPSHIRE

Appointment of Assistant Clerk to the Justices

APPLICATIONS are invited for the appointment of Assistant Clerk to the Justices for the Petty Sessional Divisions covering the Lymington, New Forest and Hythe areas at a salary in accordance with Grades III-IV of the A.P.T. Division of the National Salary Scales (£525—£600).

Candidates must have a thorough knowledge of the work of a Justices' Clerk's Office, including the issuing of process, the taking of depositions and the keeping of accounts and must also be capable of acting as Clerk of a Court. The appointment is subject to the provisions of the Local Government Superannuation Act, 1937. The person appointed will be required to live in or near Lymington.

Applications, giving particulars of age, education, qualifications and magisterial experience, with the names and addresses of not more than three persons to whom reference may be made, should be submitted to the undersigned not later than October 24, 1952. Canvassing, either directly or indirectly, will be a disqualification.

G. A. WHEATLEY,
Clerk of the Standing Joint Committee.

The Castle,
Winchester.

CITY OF LIVERPOOL

Probation Officer

APPLICATIONS are invited for the appointment of a male Probation Officer (whole-time).

Applicants must be not less than twenty-three years, nor more than forty years of age, unless at present serving as a whole-time Probation Officer.

Salary and appointment will be in accordance with the Probation Rules.

Application forms, which can be obtained by sending a stamped, addressed envelope to the undersigned, should be completed and returned not later than October 24, 1952.

H. A. G. LANGTON,
Clerk to the Justices and Secretary to the Probation Committee.

City Magistrates' Courts,
Dale Street,
Liverpool, 2 (J.A. 3018).

METROPOLITAN BOROUGH OF SOUTHWARK

THE Council has vacancy for Assistant Solicitor on the permanent establishment of the Town Clerk's Department. Salary in accordance with Grade A.P.T. VII, *i.e.*, £715 rising to £790 p.a. (£10 less if under twenty-six years of age). Local Government experience is desirable but not essential.

The appointment is subject to the council's Conditions of Service, Superannuation Scheme and medical examination. Housing accommodation cannot be provided. Canvassing will disqualify.

Applications, on forms obtainable from me, must be returned by noon on Tuesday, October 28, 1952.

D. T. GRIFFITHS,
Town Clerk.

Southwark Town Hall,
Walworth Road, S.E.17.
October 6, 1952.

GLOUCESTERSHIRE (COMBINED AREAS) PROBATION COMMITTEE

Appointment of Whole-time Male Probation Officer

APPLICATIONS are invited for the above appointment. Applicants must be not less than twenty-three nor more than forty years of age, except in the case of whole-time serving officers.

The appointment will be subject to the Probation Rules, 1949 to 1952, and the salary in accordance with the prescribed scale.

The successful applicant will be required to pass a medical examination, and will be stationed at Staple Hill, near Bristol.

Applications, stating date of birth, present position and salary, previous employment, qualifications and experience, together with copies of two recent testimonials, must reach me not later than October 18, 1952.

GUY H. DAVIS,
Clerk of the Committee.

Shire Hall,
Gloucester.

CITY AND COUNTY OF NORWICH

Assistant Solicitor

APPLICATIONS are invited for the post of Assistant Solicitor at a salary in accordance with Grade VII of the National Scale of Salaries.

Applicants must be good advocates and have experience in common law and conveyancing.

The appointment will be subject to the provisions of the Local Government Superannuation Act, 1937, and to termination by one month's notice. Canvassing, directly or indirectly, will be a disqualification.

Applications, stating age, qualifications, experience, details of previous and present appointments, and giving the names of two referees, should be delivered to me not later than Monday, October 20, 1952.

BERNARD D. STOREY,
Town Clerk.

City Hall,
Norwich.
September 29, 1952.

COUNTY BOROUGH OF GRIMSBY

Second Assistant Solicitor

APPLICATIONS are invited for the above appointment from Solicitors recently qualified.

Salary, Grade V (*a*) is £625—£685 a year, rising after two years' experience from date of admission to £710—£785 a year. Applicants should be persons with either local government or good general practice experience. The duties of the post are mainly conveyancing and advocacy, but every opportunity will be given for the person appointed to obtain a wide knowledge of local government law and administration.

Further particulars can be obtained from me. The closing date for application is Saturday, October 25. There is no special form of application.

L. W. HEELER,
Town Clerk.

Municipal Offices,
Town Hall Square,
Grimsby.

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